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Records of Invercauld

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- No. 5.—*Records of Invercauld.* Edited by the Rev. John Grant Michie, M.A. Aberdeen :
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*Invercauld House in 1884.
From A Drawing by Major Victor A. Langhorne.*

The Records of Invercauld



Edited by

The Rev. John Grant Michie, M.A.

Minister of Dinnet



Aberdeen

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PREFACE.

The papers which compose the present volume do not exhaust the RECORDS OF INVERCAULD. There yet remains a large mass of original documents, Charters, Precepts of Sasine, and many other legal deeds of various kinds; of most of which the Editor has only attempted to give a short digest or summary, while of others he has limited himself to a mere inventory of contents. Besides these there are doubtless some others which have altogether escaped his notice, though he believes there are not many of much general or even local interest.

The Genealogical Records of the Family prior to the era of Finla Mor, rest almost entirely on legends which scarcely merit to rank as traditions, they are so improbable and so variously narrated. From that date (1487-1547), however, the authorities, as explained in the text, are quite reliable.

The Estate Papers have been arranged in alphabetical order, the object aimed at being to present, with as little repetition as possible, a continuous history of the several smaller properties which from time to time became portions of the Invercauld Estates.

The Family Papers, on the other hand, have been arranged in chronological order, as being the most scientific and convenient for reference.

The Monaltrie Papers and those left by Lord George Murray are treated separately from the Family Papers.

The Appendix, as explained in the text, consists of stray or overlooked documents, which were nevertheless thought not unworthy of insertion in the body of the work.

It remains for the Editor thankfully to acknowledge information received from several friends on obscure points of detail and in other respects. To Mr. Farquharson of Invercauld, possessor of the reproduced portraits, are due his especial thanks for unreserved opportunities afforded him for examination of the Records and procuring the illustrations, and valuable assistance in their selection for publication, as well as for his kind supervision of the work in its progress through the press. Thanks are also due to Sir John Farquharson of Corrachree, who revised some of the proofs concerning his own branch of the clan, and furnished interesting notes on other matters; and to Colonel James Allardyce of Culquoich, whose *Historical Papers* the Editor frequently consulted for the verification of dates and other particulars. In this connection he cannot omit to mention the warm interest taken in the progress of the work throughout by the late lamented Dr. Neil of Pembroke College, Cambridge, who also supplied interesting notes. •

J. G. M.

MANSE OF DINNET,

1st August, 1901.

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RECORDS OF INVERCAULD

THERE are amongst the Invercauld papers several accounts of the origin and growth of the Clan Farquharson.

A. "A GENEALOGICAL TABLE OF THE CLAN FHIONLAIDH OR FARQUHARSON, DESCENDANTS OF FINDLA MORE."

This Table begins with

SHAW OF ROTHIEMURGUS, the fifth from whom is FINDLA, commonly called FINDLA MORE. From this ancestor it traces the descent of the several branches of the Clan to the beginning of the present century. The Invercauld branch ends with Catherine, who succeeded her father, James, in 1805. It contains very few dates, but generally gives the marriages.

B. The same, slightly abridged, and put in the form of a Genealogical Tree. It sets out from the same ancestor, Shaw of Rothiemurgus; but, in a different hand, gives an additional generation, in some cases two. It terminates the Invercauld branch with James Farquharson, who succeeded his mother, Catherine, in 1845. The information it contains is not so full as that in A.

C. "GENEALOGY OF THE FAMILY OF INVERCAULD made about the year 1707."

It seems to be the document on which all the others are founded, and will in its place be quoted at length.

RECORDS OF INVERCAULD.

D. A copy of C. with some variations and notes.

E. "GENEALOGY OF THE FAMILY OF INVERCAULD," seems to be another copy of C. though not closely followed.

F. "ORIGIN OF THE NAME OF FARQUHARSON," contains also a genealogy of the Invercauld branch, to which is added, in the same hand, a note by William Farquharson, evidently of Monaltrie.

GENEALOGY OF THE CLAN FARQUHARSON

A. and B. "SHAW OF ROTHIMERCHUS, lineally descended from the most ancient Thanes and Earls of Fife, had a son called FARQUHAR, who settled in the braes of Mar. His sons, as was the custom of these early times, were called FARQUHARSONS or sons of Farquhar; and hence, from the surname of the family of this Farquhar, all the Farquharsons in Scotland are descended."

C. "Genealogy of the Family of Farquharson of Invercauld from the original Manuscript History of Gentlemen's Families in Scotland, wrote about the time of the Union by . . . found in the Repositories of the late Baron Maule; and now in the possession of Mr. David Deuchar, Seal Engraver, Edinburgh, No. 109 of the Manuscript."

"Farquharson of Invercauld, the predecessor of this Family, is descended from McDuff, Thane of Fife, being descended from Shaw McDuff's third son, who went north, and possessed himself of Rothiemurchus on Speyside. John Shaw, the eleventh man inclusive lineally descended from the great McDuff, was called CORSHIACLACH for his buck-tooth. He had seven sons."

D. Gives the date—"wrote about the year 1707," and supplies the following note—"It is thought the MS. is here wrong, and that it was the 2nd son of Constantine, 3rd Earl of Fife."

1. It is not strictly correct to say that all the Farquharsons in Scotland are descended from this Farquhar. There were many *bow o' meal* Farquharsons and Forbesees as well as Gordons—parents who took that bribe to substitute in respect of their children the clan surname for their own, which was frequently only a *tes* name. For other reasons, also, new surnames were assumed. In Morayshire, and many other parts of the North, persons frequently took that name at a very early period, without being in any way connected with the chief or his family. A curious instance of this nature is recorded on a gravestone in Mortlach Churchyard. It is in Latin, and may be translated thus—

"Here lies an honorable man, Robert Farquharson of Lochterlandich who died there on the 5th day of March, in the year of our Lord 1446 (or 1546). To whose soul may God be propitious."

"Robert was the son of Farquhar Cuning, but renounced his proper patronymic and called himself after his father's Christian name."—*S. N. and Q.*, June, 1888.

The name is now very widely spread in America and England.—See Jervise *Epit.* I., p. 330.

E. Supplies this further information regarding Shaw of Rothiemurcus: He and his people "being disposed (by the strong hand) of Rothiemurcus by Cumin, Lord Strathbogie and Badenoch, Shaw fell in to be the King's Cup-bearer; and to this day carries 3 carved cups neglecting the Paternal Coat of Arms. When Rothiemurcus was killed he left behind him one son. His relict married Baron Farquhanen in Athole, whose sons when come of age assisted the Representatives of the Rothiemurcus Family with a considerable number of men against the Cuminins—killed [Cumin] himself and most part of his retinue between Rothiemurcus and Strathbogie in a place since called, *Laggan n' Cumnich*, or the Cummins' grave. Cummin was then a Rebel against King Robert Bruce; therefore the successors of said Shaw carry on their Arms the bloody hand and dagger. This Shaw, again in possession of Rothiemurcus, was the 11th man *inclusive* lenearly descended from the Great McDuff."

I.—FARQUHAR.

A. "FARQUHAR, son of Shaw of Rothiemurcus, whose progenitor had been very active in defeating and expelling the Cummings, the constant enemies of King Robert Bruce, from Strathbogie, which appears by the honourable addition obtained to their armorial bearings, lived in the reign of King Robert II. (1370-1390) and King Robert III. (1390-1406) and was settled in the Braes of Mar where he had considerable possessions. He married a daughter of Patrick Duncanson or Robertson, 1st of the Family, of Lude, by whom he had a son—1371."

C. We have here a longer account of this ancestor.

"FERQUHARD, (the 2nd of the seven sons of John Shaw *alias* John with the Bucktooth) coming over to Mar possessed himself of the Braes thereof and was made Baillie and Chamberlain of Mar about the time that the Earldom was annexed to the Crown at the death of Alex. Stewart (1435) who married Elizabeth (Isabella) Douglas. This Farquhard married Margaret (Daughter to Patrick Duncanson of Lude who was the first man of that Family and brother to Robt. Duncanson of Stewan of whom are descended the Robertsons) by whom he had three sons, Donald, John and Findlay; Patrick and James are said also to be his sons, or at least his brethren. Of Patrick is descended the Patersons in the North; and of James, who was called Don or Doun from his Brown Hair, are descended the Dons, Downies, and the Cowins. Ferquhard having given several proofs of his Valour and Courage had, according to the general practice of the Highlands, his name transmitted as a Surname to his Posterity, so that the sons were called Farquharson.

Donald the first succeeded—the secd. John, of whom are descended the Farquhars of Gilmoirescroft; and of Gilmoirescroft, the Farquhars of Mounie, and who only by contracting the word are called Farquhars. Of the third, Findlay, is come the Findlays and M'Inlays in Argyleshire. Farquhard had also two base born sons, William and John of whom is come Riachs, Cowies, and Grassicks calling themselves Coutts, and the M'Yocks."

E. Makes no addition.

F. Adds the M'COMBIES to the descendants of James; and states that Farquhard was chamberlain over the Tiends payable by the Earldom to the Crown.

II.—DONALD.

A. "DONALD, who succeeded him (Farquhar), married a daughter of Robertson of Calvine, by whom he had an only son."

C. "Donald the eldest son married Ann, daughter to Robertson of Caloyne, and had by her Farquhar beg."

The other authorities follow *A.*

III.—FARQUHAR.

A. "FARQUHAR married a daughter of Chisholm of Strathglash. His youngest son settled in the Braes of Angus, of whom several families of the name of Farquharson are descended. He died in the end of the reign of James III. (c. 1480) and was succeeded by his eldest son."

C. "FARQUHAR BEG his (Donald's) son succeeded and married Jean, daughter to Chisholm of Strathglass, by whom Donald."

The other authorities follow the above.

IV.—DONALD.

A. "DONALD married a daughter of Duncane Stewart of the Family of Mar. He got a considerable addition to his paternal inheritance for his good and faithful services done to the Crown, and by her had a son and successor."

C. "DONALD his [Farquhar beg's] son married Isabell, only child to Stewart of Invercauld and Aberarder, and got with her the said Lands, their eldest son and heir and successors bearing still ever after the Title of Invercauld."

The other authorities follow the above almost verbatim.

We now come to an historic personage, to whom, although their surname was derived from his grandfather, all branches of the Clan Farquharson ascribe the honour of being their founder and common ancestor, and from whom they have their Celtic appellation of CLANN or SIOL FHIONLAIDH.

V.—FINDLA.

A. "FINDLA, commonly called Findla More on account of his gigantic size and great strength of body, who was also a man of fine parts, remarkable bravery and fortitude, was killed fighting in defence of the liberties of his country bearing the Royal Standard at the battle of Pinkie, anno 1547. His descendants in the Highlands were called Clann Fhionlaidh, though before this period they were called in the Gaelic language Clan Erachar, and most of the branches of the Family were called Mackerachar, and several of them still retain that name. In like manner some of the descendants of the said Findla settling in the low countries with the name of Mack Fhionlaidh had it afterwards converted into Findlayson. He married a daughter of Stewart of Kincardine, and 2nd Beatrix daughter of Garden of Banchory, who married Robertson of Lude after his death."

C. "FINLAY MOIR (*i.e.* Great for his Extra Strength and Stature) his [Donald's] son married Beatrix Garden, Daughter to Garden of Banchory. He died aged 60, leaving behind him 6 sons. He accompanied the Earl of Huntly to the Battle of Pinkie, Anno 1547 who procured him the carrying of the Banner Royal; and as the army descended towards the sea side was killed with the same in his hand by a Cannon Ball from the Enemies' ships. His Body lies interred in the Church Yard of Inveresk. The place is known to this day by the name of the 'Lang Highlandman's Grave.' His first son, William, succeeded, and of the other five since that time are Descended the Families of Monaltrie, Inveray, Craignite, Broughderg, Auchriachan, Finzean, Whitehouse, Allanquoich, Rochalie, Shanallie, Campbell."

The other authorities follow the above closely except in the matter

of spelling and the order of the Families tracing their descent from Finla Moir. The order given in the chart is as follows:—1st William, 2nd Robert, 3rd Donald (Castletown, *i.e.*, Monaltrie), 4th Lauchlan (Broughderg), 5th George (Deskrie), 6th Finlay (Auchriachan). The others mentioned above were descended from one or other of these six. As represented in the chart, William would appear to be not only the oldest son, but of the first marriage. All the others are evidently of the second marriage.

A Miss Garden, thought to be Mrs. Farquharson or her sister, is celebrated as the Scottish harpist who delighted Queen Mary.¹

John Ross of Auchlossin married a daughter of Finlay Mor, by whom, besides his successor, Nicol Ross, he had at least one daughter, married to Allaster More (Forbes) of Auchmillen. This Allaster is designated "Meikle Alexander Forbes in Auchmillen" in several documents.²

The previous laird of Auchlossin, also a John Ross, was husband of Agnes Garden, daughter of Banchory, and therefore sister-in-law to Finlay Mor.³

From and after the era of Finlay Mor there is a departure from the previous mode of recording the succession, in that now for the first time the different leading Families with their branches are inserted; and *A.* has many items of information omitted in *B.* So that the Clan may be said to begin with him, though it was not till the time of his great grandson that we find it ranked among the Highland Clans. Reckoning, therefore, from Finlay Mor as the common and great progenitor of the Clan, whom we shall style 1, we proceed with the account of his successors in the Invercauld line as given in these documents.

2. WILLIAM I.

A. "WILLIAM married Beatrix Gordon Daughter of Lord Sutherland, and had a daughter, Janet, who married Thomas M'Intosh of Fenigand, and died without issue."

¹ MS. Genealogy of Ross of Auchlossin; ² Ibid; ³ Ibid.

RECORDS OF INVERCAULD.

F. "William Farquharson of Invercauld, first mentioned, married B., Daughter of the Earl of Sutherland of that Ilk, and [dying] without issue [was] succeeded by his next Brother, Robert."

The other authorities follow A.

3. ROBERT I.

A. "ROBERT married Daughter of Baron Reid—Rivernie; and had issue, John."

C. "Robert his (William's) Brother married . . . daughter to Robertson of Inverchroskie by whom John, who succeeded, and Finlay and Alexander of whom are come the Families of Rivernie, Westoun, Kirkton of Aboyne and Culsh (Culsh). This Finlay was a Colonel and served under the Duke of Buckingham and went with him to the Isle of Rye in France, whence returning to England he was killed thereafter at the head of his Regiment in the Battle of Worcester being in the King's Service against the Parliament 1657."—(3 is a clerical error for 1).

The other authorities following C. D. and E. copy the error 7 for 1; and D. omits the reference to Colonel Finlay, but inserts E. before "daughter"—"probably, *Euphemia*." A sept of the Robertsons had early the *alias* of Reid. This Robert born c. 1520 died c. 1590.

Besides his successor, John, he had other 3 sons, viz.: the above named Finlay who succeeded to Rivernie on his father succeeding to Invercauld, and who married Jean, daughter to Ogilvie of Clova; Alexander "who married Elspet Forbes daughter of Bithny," and became the head of the Family of Loynmore or Wesltoun, as already stated; and "William who married Lady Sauchan, daughter of Leith of Likelyhead, and was killed by Walter, brother to Leith of Overhall, who was afterwards killed in revenge by Findlay of Auchreachan."

4. JOHN I.

B. "John Farquharson of Invercauld married a daughter of Barclay, brother of Barclay of Gartley and widow of Henry Gordon of Knock."

C. "John his (Robert's) son married Margaret, daughter to . . .

Barclay of Gartley by whom Robert who succeeded, and 4 daughters—Marjory, Jean, Issabel, and Grissel, who married M'Intosh of Keilachie, Farquharson of Kellis, Farquharson of Inverey, and Stewart of Foiss," [respectively].

The other authorities follow C. Henry Gordon of Knock was killed in 1592 (see *Deeside Tales*) so the marriage must have taken place some time after that event. John died in 1632.

5. ROBERT II.

A. "Robert Farquharson of Invercauld purchased Wardis (Wardhouse), married I. Margaret daughter of Pitlochrie; II. Lady Whitehaugh, a niece of Lord Forbes."

C. "Robert his (John's) son married Margaret Daughter of Erskine of Pittodrye by whom Robert, who succeeded, and Alexander and five Daughters, Margaret, 1st married to M'Pherson of Invereshie and 2nd to Grant of Torran; Barbara to Ross of Auchlossan; Grissel to Robertson of Fowles; Marjory to Leith of Overhall; and Magdalen, to Robertson of Inverchaskie."

D. Has Grant of Carron instead of Grant of Torran.

E. Has Torran instead of Carron.

F. Has Carron, which is doubtless correct. In all other respects D. E. F. agree with C. The discrepancy between these and the Table and Tree remains to be explained. Wardhouse was purchased in the year 1633, not as Dr Davidson states (*Earldom of the Garioch*, p. 222) about 1650. It is not clear what the extent or value of the estate at that time was, but it is certain that it was heavily burdened. Sir John Leslie, the last laird of his family, having parted with the Wardhouse property, died in 1640, "and was buried in his own chapel at Tillyfour, where never laird of Wardes was buried before"—*Spalding*. The late Mr Farquharson of Whitehouse—a great authority on all matters connected with his clan—

1. The explanation is probably this: *Pitlochrie* in A. and B. is a mistake for *Pittodrie*, and the fact of the second marriage is an omission in the others, which are in great part copies of each other.

writing to the editor, says, "It was not till Robert Farquharson of Invercauld, about the year 1632, acquired such influence in the affairs of the country that they [the Farquharsons] were accounted worthy of being esteemed an important Highland Clan. It was this Robert who first obtained for them their Armorial Bearings, which, with some variations, were adopted by all the other families." And the late Mr McCombie of Easter Skene, who also was a great genealogist, informed the writer that Invercauld, soon after acquiring the property of Wardhouse, set up a pew for himself in the Church of Inch, and engraved on a panel in front of it the arms as they are at this day with the new motto "*Fide et Fortitudine*" as a Latin translation of the former motto—"I force nae friend, I fear nae foe." So much did he increase the estate and consolidate it by charters of confirmation that he might well be called a Second Founder of the Family. In these papers this laird is often styled "Sir Robert Farquharson of Invercauld & Wardis," but it does not appear that he was either a knight or a baronet, though it is probable that his learning and influence in the country procured him the title by common consent. He died in 1652 aged c. 60.

It is to him Spalding refers under *anno* 1641 in these terms: "The committee of estates at Edinburgh hearing how the forbidden name of McGregor and their accomplices brake loose about this time, and were sorning and troubling the King's lieges day and night, condescended with the laird of Invercauld, for a certain sum of money, to defend the Sherifffdoms of Angus, Mearns, Aberdeen, and Banff (whilk were the countries wherein they did most injury and oppression), for a year to come, from all rief and spoilzie; what was taken by thir robbers frae them he was obliged to repay the samen to the complainer within the space foresaid; for executing the whilk office, the forenamed laird of Invercauld was captain himself, and gathered together about two hundred and fifty men, and kept the said four shires both night and day so carefully, that none suffered skaith, theft, or oppression, but lived in all peace and quietness; whilk the estates perceiving, discharged him of his office, but gave him not good payment of what was promised at the making of the bargain, thinking that the country would be free of any more vexation; but thir limmars hearing of his discharge, brak out again under John Dugar, to trouble and molest the country, to their great grief and skaith."

6. ROBERT III.

A. "Robert married Anne Ogilvie, daughter of Kempcairn."

C. "Robert, his [Robert II.'s] son married Ann, Daughter to Ogilvie of Kempcairn by whom only a Daughter, Marjory, married to Forbes of Leslie and dying without issue male was succeeded by his Brother Alexander."

D. E. F. repeat C.

He is mentioned several times as serving on local committees formed among the proprietors to put down the caterans and broken men.

He died in 1666, aged about 45. His widow soon after married the laird of Dalmore, which did not cement the friendship between the two families. The marriage is thus referred to in *The Exercise of Alford*, p. 87—"Mr. Robert Irving being absent (October 31, 1666) is excused in regard he had gone to Braemar by an order from the Bishop, to celebrat Roderick Mackenzie his marriage with Invercauld his relict."

In the Diary of John Row, Principal of King's College, there is this entry—"Robert Fercharson, Laird of Invercald deceased August '66, aetat . . ." This being so, Ann Ogilvie (Mrs. Farquharson) remained a widow only for the space of about two months. Robert was succeeded by his brother, having left, as stated, no male issue.

7. ALEXANDER I.

A. "Alexander married Elizabeth, Daughter of M'Intosh."

C. "Alexander, his (Robert's) Brother married Elizabeth, Daughter to M'Intosh of that Ilk by whom John, William, Alexander, and Margaret who married Robertson of Lude; born . . . and dying unmarried was succeeded by his Brother, John."

There is here an error of the transcriber, or rather an omission, which is partly accounted for by John being placed after William.

D. "Alexander his brother married Elizabeth M'Intosh daughter to M'Intosh of that Ilk by whom William, John, Alexander, and Margaret

who married Robertson of Lude¹—William dying unmarried was succeeded by his Brother, John."

E. and *F.* follow *C.*

At the death of Alexander of Invercauld in 1681 the circumstances of the family were these: A widow in the prime of life with four young children, relying upon her brother, the chief of a neighbouring and powerful clan, for the management of her extensive estates, and under them a local tutor or factor—Mr. John Forbes, who was also entrusted with the education of the family. This state of matters continued, with some changes, till the death of William, the eldest son.²

8. WILLIAM II.

Of him these documents give no other account than that "he died unmarried and was succeeded by his Brother, John." He died in 1694, in the 18th year of his age. Some important estate events took place during his minority. The property of Wardhouse, in the Garioch, was sold, and negotiations were begun for the purchase of the barony of Kinaldie in Cromar, and many bonds and obligations were entered into in his name; and, lastly, his mother married his tutor, this Mr. John Forbes, who was a son of a Mr. Adam Forbes of Brux, in the parish of Kildrummy.

9. JOHN II.

A. "John Farquharson of Invercauld married 1. Isabell, daughter of

¹ Letter of John Farquharson of Invercauld to the Laird of Leith-hall, of date October 18th, 1722, states expressly that his father died in 1681, and implies that the estate of Wardhouse was sold to *Rosehill*, who was probably a Gordon of Lesmoir.

In a MS. history of Forbes of Echt there occurs this entry: "On 1st September 1676 Arthur Forbes of Echt was chosen one of the Curators of Margaret Farquharson, Younger of Invercauld, which office the said Laird of Echt, along with others, accepted (Sheriff Court Records, Aberdeen 1676)"

At this date Margaret—the eldest of the family—was the heir-apparent to the estate, and hence styled "Younger of Invercauld"; hence, also, the need to select Curators, in case there should be no male heir. Margaret, as stated, had afterwards three brothers.

² On the death (1681) of Alexander of Invercauld an Inquisition before a Jury was held 21 December to prove the legitimate descent in the elder male line of William, Alexander, and Margaret, children of the said Alexander of Invercauld, with the view, as it would appear, of establishing a claim on the Rivernie estate. The finding gives the descent as recorded in *D.*

Craigmill (Craigmyle) ; 2d Christian, daughter of Menzies of Weem and widow of Ballachin ; 3rd Margaret, daughter of Lord James Murray ; 4th Jean, daughter of Forbes of Waterton."

C. "John, son of Alexander of Invercauld married Isobel, eldest daughter of Sir Alexander Burnet of Craigmyle, and is not only chief and representative of all descended from Ferquhard, the 2nd son of Shaw Corshiaclach, but of all those descended of Shaw the first of that name and son to the Great McDuff foresaid, the issue male of the said Ferquhard's eldest brother being quite extinct which is acknowledged by the Shaws themselves."

The reason why the marriages recorded in *A.* and *B.* are not inserted in *C.*, *D.*, *E.*, and *F.* is that these latter papers were compiled before the death of John's first wife, Isobel Burnet, while the former embrace the two succeeding generations.

Sir Alexander Burnet of Craigmyle, a cadet of the house of Leys, died leaving only three daughters, all in nonage. The property was considerable, valued at £620 in 1696 (Poll Book). This was to be divided among the three children when they came of age. John Farquharson married the eldest when both were minors, which gave trouble afterwards as the papers show. She survived till about the year 1711, but we have no account of any offspring.

His second wife, Christian Menzies, was the daughter of a large proprietor in the highlands of Perthshire, in which county Invercauld had then considerable possessions. She had previously been married to Stewart, who was chamberlain to the first Duke of Athole. It was he (Stewart) who in Dundee's insurrection held the Castle of Blair-Athole for King James and refused to give it up to its rightful owner, but surrendered it to Dundee on the eve of the battle of Killiecrankie. He died soon after, leaving Christian Menzies a widow, whom John Farquharson took for his second wife. She is never referred to in these papers, and probably did not long survive her marriage.

His third wife, Margaret, daughter of Lord James Murray, was niece to the first Marquis of Athole and cousin to the first Duke, and thus nearly related to Lord George Murray, whose daughter John Farquharson's son, James, afterwards married. Margaret Murray became Lady

Invercauld—the title always given her—in 1721, and in the following year a son and heir was born, followed in after years by four daughters—Anne, the heroic Lady M'Intosh of the '45; Mally (Matilda), who died young; Mary, who married John Ogilvie; and Peggy (Margaret) who died in 1784 aged 58 years. Lady Invercauld died before 1730 (the exact date is not recorded), leaving the laird a widower for the third time. He afterwards married Jane Forbes, daughter of Waterton, by whom he had one son, Robert, and two daughters, Jean and Frances¹. He himself died in 1750, having held the honours of his family for the long period of 55 years. It was an eventful career. The early troubles with estate matters, both with his own and his first wife's relations;² the vexatious disputes about property he had purchased, the claims of creditors, the rights of superiors, the delimitation of boundaries, &c., leading to numerous lawsuits—all detailed at considerable length in these papers—were scarcely adjusted when he was reluctantly dragged into the rebellion organised by his feudal superior, the Earl of Mar, of whom he held most of his lands in Aberdeenshire. His conduct in this war, his capture at Preston, and his long imprisonment in the Marshalsea are

¹ Frances, familiarly Fanny, married 15th December, 1761, "Alexander Donaldson, Physician and Professor of Medicine and Oriental Languages in the Marischal College, Aberdeen." She had a literary turn of mind and wrote verses, some of which have been preserved.

² On John's accession to the Estates (1694) a long count and reckoning had to be made with the Curators of his brother for their intromissions during the 13 years they had had the management of the property; and new Curators had to be appointed, he himself being still in nonage. On this latter matter we have the following.—

"Curatory—5th Oct. 1694—

Edict of Curatorie at instance of John Farquharson now of Invercauld—
agst.

John Farqrsn of Rivernie,

John Farqrsn of Fortrie,

nearest of kin on Father's side;

Lachlan Macintosh of Torr Castle,

Macintosh of Detrie,

nearest of kin on Mother's side.

Curators appointed [for John Farquharson]:

Sir John Forbes of Craigyvar,

William Erskine of Pittodrie,

Charles Gordon of Blelack,

Francis Farqrsn of Finzean,

John Farqrsn of Fortrie,

Alexr. Farqrsn of Mounie."

scarcely referred to in the papers; but the facts of history, and the numerous petitions presented for his pardon and release present his character as that of a brave, good, and honourable man. In the breathing time between the settlement of the '15 and the beginning of the rising in the '45 Invercauld found time amid the business incident to the management of his large estates—which he superintended personally—to engage in several commercial enterprises, chiefly in the shipping and fisheries of the burgh of Aberdeen. Besides his interest in most of the Aberdeen commercial enterprises he was made a Burgess of Inverness 27th July, 1720; and the same year he also received the freedom of the city of Perth. In 1728 he was made a free Burgess of the towns of Stirling and Queensferry. The documents conferring these distinctions with their seals attached are still preserved in Invercauld. When the Highlands were again convulsed by the rising under Prince Charles Edward, Invercauld, though too wise to engage in it, suffered much from the plundering of his mansion, the spoiling of his goods and gear, and the exactions laid upon his tenants by the rebels, while he himself had to flee from his country residence, first to Aberdeen and then to Leith, to escape being made a prisoner by them.

Although the genealogical information of *C.*, *D.*, *E.*, and *F.* ends, as stated, with the year 1707, *C.* has an addendum, copied by the others, which may be here inserted. The writer had evidently Jacobitical proclivities:—

“Donald F. of Monaltrie (Donald Og) Colonel of a Regiment of Foot joined the Marquis of Huntly at the Bridge of Dee, and after the Marquis of Montrose. He was killed in the King's Service at Aberdeen, and was succeeded by William F. of Inverey who had been formerly Lieutenant Colonel and was with the Regiment at the Battles of Aberdeen, Oldearn, Alford, Kilsyth, and after joined the Earls of Glencairn and Middleton, and in short this Clan have upon all occasions signalled themselves in assisting the right of the lawful Heirs of the Crown. Colonel Finlay Farquharson brother to John of Invercauld (the 2nd lineal successor to Finlay More) went with the Duke of Buckingham in that unsuccessful Expedition to the Isle of Rye in France for the relief of the Protestants, and thereafter was killed at the head of a Regiment fighting for his Prince at Worcester.”

CONTINUATION OF GENEALOGY

AS CONTAINED IN *A.* AND *B.*, CHART AND TREE.

"10. JAMES.

"James Farquharson of Invercauld married 1. Amelia, daughter of Lord George Murray, widow of Lord Sinclair. 2 Margaret, daughter of Carr of Ettal and widow of General M'Kay."

"Lord Sinclair was twice married, first as Master of Sinclair in August, 1733, to Lady Mary Stewart, Countess Dowager of Southesk, daughter of the fifth Earl of Galloway; and secondly, 24th April, 1750, seven months before his death, to Amelia, eldest daughter of Lord George Murray, the chivalrous commander of the Highland army of the Pretender, and sister of the third Duke of Athol, but had no issue by either."—*Scottish Nation*. Lady Sinclair was then a young widow without encumbrance the year that young Invercauld lost his father and succeeded to the estate. He was then in the 28th year of his age. There is reason to believe that his marriage took place some time in the year 1753. The issue of it is best gathered from the inscription on a marble tablet in the Invercauld aisle in the Braemar Churchyard, which is as follows:—

"Sacred to the memory of JOHN FARQUHARSON, of Invercauld, who died in 1750. Sacred also to the memory of JAMES FARQUHARSON, of Invercauld, his son, who died 24 June 1805; and AMELIA, Lady Sinclair, his spouse (daughter of Lord George Murray) who died in 1779. They had eleven children, all of whom, with the exception of the youngest, CATHERINE, died before them. MARY, MATILDA, JANE, JOHN, and GEORGE lie interred with their parents in the ground adjoining; CHARLOTTE, at Arnhall; and FANNY, at Lisbon; and AMELIA, MARGARET, and ANN, in the burying-ground, North Leith."

The following is a copy of an inscription for Invercauld's monument in Leith Churchyard:—

"North Leith, May 1820.

"This Burying Ground is the property of the Family of Farquharson of Invercauld.

Within these walls are deposited the remains of MARGARET FARQUHARSON, who died in 1773 aged 14 years; AMELIA who died 2nd January 1780 aged 12 years—Daughters of James Farquharson of Invercauld and the Right Hon. Lady Sinclair.—Also ANNE, Lady M'Intosh, who died in 1787 aged 64 years; and MARGARET who died in 1784 aged 58—daughters of John Farquharson of Invercauld."

"When married to Mr. Farquharson, Lady Sinclair found great idleness and misery throughout Deeside; and the primitive plan was in use of spinning lint on the distaff, and winding wool on the big wheel. The little spinning wheel, though common in most parts, was unknown in the district; and about 1755 she applied to the Board of Trustees to aid her in procuring small wheels, and a mistress to teach spinning. After much labour and opposition to her scheme by those who were to be benefited by it, and the awarding of premiums to the more expert scholars, she ultimately succeeded so well that there were no fewer than 129 unmarried women and little girls who received premiums on 1st January, 1763, and the quantity of linen yarn then brought to Invercauld for inspection by Lady Sinclair was supposed to be worth at least £300 sterling. She also gave a great impetus to cattle rearing and to the cultivation of dairy produce, which are now of such importance to the district."—*Old Statistical Account*.

While Lady Sinclair was thus promoting the welfare of her tenants and neighbours, her husband was no less zealously employed in improving his property, which, by a survey made soon after his death, was estimated to extend to 25,000 acres in Perthshire and 110,000 in Aberdeenshire. His most permanent improvements were the making of roads and planting of timber. He is said to have sold to the amount of £16,000 sterling of natural grown timber, and to have planted more than a million and a half of Scotch firs and larches on his Deeside estates.¹ It is a remarkable fact that his father and he, occupying together the estate for the long period of 110 years, increased its value by close on a hundred fold, comparing the value in 1696 (Poll Book) with that of 1811.

¹ This estimate was made several years before Mr. Farquharson's death; and there are accounts which show that he far exceeded, if he did not more than double the number here specified, and deservedly earned the gold medal—still preserved at Invercauld—awarded to him by the Highland and Agricultural Society as the most extensive and successful cultivator of forest timber in the country.

His second wife, the date of whose marriage to him is not ascertained, was also a widow of wealth and a considerable benefactor to the estate. She built the wing in which were the billiard and drawing rooms in the mansion house of Invercauld; and with other improvements in the policies, she constructed a beautiful road or drive long known as "Carr's Drive." She was alive in 1796, but died not long after. Her former husband, a General in the Dutch service, was a son of the celebrated General Mackay, who fought the Battle of Killiecrankie against Dundee. She was advanced in life when she married Mr. Farquharson, and but little mention is made of her in the Invercauld papers.¹

The Laird's own life was singularly uneventful. Of a quiet and benevolent disposition, he mingled but little in the gaieties of society or in the stir of politics, but bent his energies to the improvement of his estate and to the promotion of the welfare of his numerous tenantry. Such is the reputation he has left behind him, and such was his character as evidenced in the estate papers. His military episode in early life, though of short duration and but little known or seldom referred to, had some features which displayed the fidelity and truthfulness of his character.

In the month of March, 1745, while the soldiers of the original Black Watch were serving abroad in Flanders, three new companies of the regiment (then the 43rd, afterwards the famous 42nd Foot) were enrolled in the Highlands. One of these—the McIntoshes—was commanded by Angus McIntosh, the chief of the Clan, while his Brother-in-law, Young Invercauld, was second in command. These companies, on the outbreak in August of the insurrection in favour of Prince Charles Edward, were united to the government force under Lord Loudon stationed at Inverness. They were here when Sir John Cope arrived on the 29th of that month. Two of them—the McIntoshes and the Athole companies—with their officers he took with him on his hurried departure for the south. In making his arrangements for the battle of Prestonpans, he had the humanity to detach these Highlanders from the main army, and station them some miles away from the field of battle as a guard over the baggage. After the battle they were all of course taken prisoners by the

1. From John Gordon's letter of 17th Sept., 1787, it would appear that at that date there was no Mrs. Farquharson of Invercauld. His 2nd marriage must have taken place some time after.

victorious Highland Army. What was the Prince to do with them? He had no prisons to put them into, and he could not afford to want such a large guard as would be required to keep watch over them in unwall'd quarters. He therefore took a solemn oath from the officers individually that they would not serve in arms against him for the space of twelve months to come, and gave them their liberty on this solemn pledge being taken.

It was at McIntosh's first meeting, after this arrangement, with his young and heroic wife, who in the interval had raised the clan for the Prince, that the oft-repeated laconic colloquy is said to have taken place:—

Lady McIntosh—"Your servant, Captain."

Her husband—"Your servant, Colonel."

After which salutations, Anne Farquharson (Lady McIntosh) was generally spoken of as "Colonel Anne."

The officers were thus out on their solemn parole till the Duke of Cumberland came into Scotland in the following March (1746), when he issued an order to them to meet him at Edinburgh, and took means to compel their attendance. "Incredible as it may appear," says Robert Chambers in his *History of the Rebellion*, "this prince (Cumberland), declaring their oath and parole to be dissolved, commanded them to return to their duty in his army, threatening them with the loss of their commissions if they refused. A small number—Lieutenant Farquharson, young Invercauld, and four others—refused compliance, remarking that the duke was master of their commissions, but not of their honour. But the greater number rejoined their regiments, and served during the remainder of the campaign." The duke, doubtless, acted on the German military dictum that "no faith is to be kept with rebels"; while young Farquharson, equally firm, acted out the principle of the motto of his clan and family—FIDE ET FORTITUDINE—and so lost his commission and terminated his connection with the army, unless we reckon as military service his connection with the "Royal Scots Archers," which began in 1751 and continued for many years. As was to be expected from his peaceable disposition, he was more distinguished in civil than in military affairs. Having graduated in 1741, he was the same year—27th July—

admitted a free Burgess of Inverness, and apparently of Aberdeen, and two years afterwards (1743) of Perth. The diplomas are still preserved in Invercauld.

Though his public life was calm and uneventful, his family life was much clouded by bereavements. Of his eleven children he had laid ten in the "mouls" along with their beloved mother. The birth of his eldest son, John (3rd August, 1761), was the occasion of much and sincere rejoicing over the whole estates extending almost from Dunkeld in the south to Tarland in the north; to be followed too soon after by equally sincere sorrow for his early decay and death. His second and only other son, George, survived a few years longer; and when he followed his brother the hope of male succession was extinguished.

Had the inheritance been a male fief it would have descended, on the death of the old laird in 1805, to William Farquharson of Monaltrie, the grandson of his uncle and the nephew of the "Baron Ban." Such a course of events was averted by the earliest and all succeeding entails being in favour of the nearest heir whomsoever, and by the survival of the youngest child, CATHERINE, of whom the genealogical diagram records only the name, thus closing the account of the family with the death of James Farquharson, Esq. of Invercauld, "the old Laird," in 1805.





*Arms sculptured on Stone above entrance when large addition
were made to Mansion of Invercauld by Alexander Farquharson
1674-1679.*

LINEAGE AND ARMS OF INVERCAULD.

"TO ALL AND SUNDRY whom these presents do or may concern I Sir Alexander Erskine of Cambò Knight and Baronet Lyon King of Arms considering that by the twentie first Act of the third session of the second Parliament of King Charles the Second of ever blessed memory I am impowered to visit the whole Arms of Noblemen, prelates, Barons, and Gentlemen within this Kingdom and to distinguish them with congruent differences and to matriculat the same in my books and registers and to give arms to virtuous and well deserving persons and Extracts of all arms expressing the Blason thereof under my hand and seall of office which Register is by the said Act ordained to be Respected as the true and repealeable Rule of all arms and bearers in Scotland to remain with the Lyon Office as the publick register of the Kingdom, Therefore conform to the tenor of the said act of Parliament I testifie and make known that the Coat Armor appertaining and belonging to John Farquharson of Invercauld lawfully descended of Shaw son to Mcduff Thane of Fife whose successors had the name Shaw untill Farquhar Shaw son to Shaw of Ratirmucus chief of the whole name came to be called Farquharson about ten generations ago and approven of and confirmed by me to him Is matriculat in my said publick Register upon the day and date of these presents Two Coats quarterly First and fourth or a Lyon rampant Gules armed and languid azur as the paternal Coat by the name of Farquharson, Shaw or Mcduff Second and third Argent a Fir tree growing out of a mount in base seeded proper on a chief gules a Banner of Scotland displayed as a canton of the first charged with a dexter hand coupèd at the wrist fess ways holding a Dagger point downwards of the Chief The name having the Fir tree from an ancient custom of Bearing twigs of Fir for their sign and badge in time of Battell. The Banner from Findlay Mor of Invercauld one of their prediceors being killed at Pinkie field bearing the royall Banner and who lyes Buried in the churchyard of Inveresk and the canton hand and dagger from another of their prediceors called Shaw of Retimurcus his killing Cuming of Strathbogy at a place near to Badzenoth named from that lag: an: comnich idest [id est] Cumings hole or grave on a helmet befitting his degree with a mantle gules doubling argent and wreath of his colors Is sett for his crest a Lyon ssuant gules holding a sword in the dexter paw proper hilted and pommelèd or The motto in an Escrol above Fide and fortitudine which coat above blasoned I declare to be the said John Farquharson of Invercauld his coat and bearings In testimony whereof I have subscribed this Extract and caused append my seal of office hereto Given att Edinburgh the fifteenth day of July and of the Reign of our sovereign Lord King William the ninth year 1697.

ALEXR. ARESKINE. Lyon."

INVERCAULD ESTATE PAPERS.

ABERARDER.¹

The lands mentioned in this valley were amongst the earliest acquired (beyond the old Barony of Invercauld) by that family in virtue of a contract of sale previously entered into and followed by

"FEU CHARTER in implement thereof from John Earl of Mar, with consent of his son, to Thomas Erskine of Balagarty of one Davock and two oxgates (or $\frac{1}{4}$ Davock) of the lands of Aberarder comprehending the eight oxgates of Ballemoir, and 5 oxgates of Ballachlaggen and 5 oxgates Land of Stranville &c., dated 28th September 1632."

This was followed by a Feu Charter of the whole lands in the same year, as also a Feuhold, or

"TACK for twenty one times 19 years from Lambas 1632 of the Teinds of the said Lands and others comprehending in whole the Teinds of the Lordship of Cardross from the said Earl and his son to the said Thomas Erskine dated 20th September 1632."

The adjoining lands with the teinds had been previously disposed of by the Earl, with consent of his son, to Robert Farquharson of Finzean, by deeds dated 22nd and 25th August, 1632.

These tenures were afterwards granted by the said Thomas Erskine to Robert Farquharson of Cloak, now Glenmillan, a property in the Parish of Lumphanan. Though styled of Cloak, this Robert was the Laird of Invercauld. The deed is dated 26th June, 1633, and is followed by the legal instruments.

The lands and tack of tiends held by Finzean in Aberarder were disposed of by him to the said Robert Farquharson of Aberarder (the same who is otherwise styled of Cloak and Invercauld) by deed dated 27th June, 1635. The transaction was confirmed by a charter from the Earl of Mar dated 17th July, 1635, and followed by sasine in 1636.

It is probable that the Finzean property in Aberarder was excambed for the property of Cloak.

¹ A side valley branching off to N.W. from Mill of Inver.

The Aberarder properties mentioned in the above writs were of small extent, and situated mostly to the west of the stream which drains the valley.

Invercauld settled these lands on his second son, Alexander, by deed dated 8th April, 1658. A note on the margin bears:—

“Quarter of the Town and Lands of Baltmoir in Aberarder still vested in Robert Farquharson in 1636, who was grandfather to John Farquharson of Invercauld.”

The teinds of the adjoining lands had been granted by the Earl, with consent of his son, to the said Robert Farquharson for twenty-one times nineteen years. The deed is dated 22nd August, 1632.

The said Robert Farquharson of Finzean disposes of the said lands and others in Aberarder to Robert Farquharson of Aberarder in June, 1635. This Robert of Aberarder is Robert of Invercauld referred to in the marginal note.

This disposition is confirmed by a charter by the Earl of Mar to the said Robert Farquharson of Invercauld, dated 17th July, 1635, and sasine follows thereon 1636. Long after, we have:—

“INSTRUMENT OF SASINE in favour of John Farquharson of Invercauld son of Alexander Farquharson and Grandson of the said Robert Farquharson of Cloak or Invercauld or Aberarder and Ballimoir proceeding on a Precept of Clare Constat from John Earl of Mar, dated 18th June and Registered at Aberdeen the 13th July 1709.”

ACHALLATER.

“FEU CHARTER by John Earl of Marr with consent of John, Lord Erskine, his eldest son, to John Grewar in Achalater and Isobel Farquharson his Spouse in Conjunct fee and Liferent, and Donald Grewar their second son and his heirs and successors in fee of All and Haill the parts and portions of the Town and Lands of Achalater before described—Feu duty 4½ Scots payable at Whitsunday and Martinmas and doubling the said feu duty the first year of the Entry of every heir to the said Lands, contains various personal services which will now fall to be converted. Dated 28th Septemr 1632.”

“INSTRUMENT OF SASINE following thereupon in favours of the said

John Growar and Isobel Farquharson and Donald Growar for their respective rights and Interests aforesaid Dated 11th and Recorded in the Particulair Register of Sasines kept for the County of Aberdeen the 22nd day of October 1632."

"PRECEPT OF CLARE CONSTAT by John Kerrie of Gogar as having come in place of the Family of Marr, In favour of Donald Growar Portioner of Auchallater for infesting him in the parts and portions of the lands of Auchallater and others above described as heir of Donald Growar above mentioned, his Father—Feu duty and other prestations (same as in former charter). Dated 11th January 1693."

"PRECEPT OF CLARE CONSTAT from James and David Erskines for Infesting Alexander eldest son of the said Donald therein, dated 4 March 1726."

Sasine, dated 7th, and registered at Aberdeen 27th May, 1726, follows. Adam Grower resigns in favour of his son Alexander, 4th February, 1760.

"DRAFT CHARTER in favour of the said Alexander from William, Lord Fife." No date.

"Minute of Sale in the form of a Disposition between Alexander Growar, the lineal descendant of Donald Grower, and James Farquharson Esq. of Invercauld, whereby the said Alexander Grower conveyed and disposed to the said James Farquharson the parts and portions of the said Lands of Achalater above described, which minute of Sale contains obligations on the Seller to complete all necessary Titles in his person and grant Disposition thereof in favours of the Purchaser. It further contains Precept of Sasine. Dated 8th and 13th August 1777 years and Recorded in the Books of Session 24th March 1778."

The Growers, however, were only portioners of Achallater, as appears from the following docket :—

"Charter of said Lands by James Erskine of Grange and David Erskine of Dun in favours of David Erskine in Auchallater dated the 4th day of March 1726."

Sasine and Precept of Clare Constat followed thereon. The said David Erskine, with consent of relatives, makes over the lands to Alexander Erskine, son of Duncan Erskine, 4th March, 1726, and Sasine follows thereon. The next notice of these lands is the following :—

DISPOSITION OF SAID LANDS by John Erskine in Knock Portioner of Achallater with Consent of Grizel Shaw his spouse in favour of the said James Earl of Fife, Dated 12th February 1773 and ratified by the said Grizel Shaw the same day."

The Earl only completed his title to these lands when he disposed of them in the following manner:—

"MISSIVE by the Right Honourle The Earl of Fife addressed to Mr. William Thom, Advocate in Aberdeen Doer to James Farquharson of Invercauld Esquire, wherein the Terms of the Transaction and Sale to Invercauld are narrated, and his Lordship adds, 'Upon these terms you may rely upon my granting the necessary Writs to Invercauld with conveniency and for that purpose shall lodge the necessary papers with Mr. Duthie. In order to his making out the proper writings, you will therefore please pay in the meantime to the bearer, Mr. James Gordon £298. 13. 10. Stg., and his Receipt shall be sufficient to Invercauld and binding accordingly upon. (Signed) FIFE' Dated 18th December 1773."

Annexed to this missive there is an acknowledgment by Mr. James Gordon, dated 22nd December, 1773,

"For the sum above mentioned being the price with Interest and Expences stipulated to be paid for the said Lands Money"; and with the above papers the following unexecuted Deed was found:—

"Disposition of the above mentioned Lands of Achallater by the Earl of Fife to James Farquharson Esquire of Invercauld, unexecuted."

A curious document follows, which, however, does not seem ever to have been acted upon.

"Discharge and obligation by James Farquharson Esqr. of Invercauld in favors of The Earl of Fife, whereby Mr. Farquharson renounces the servitude upon the woods of Marr effering to the said Lands of Achallater above described and obliges himself in the event of his purchasing the remainder of the Lands of Auchallater to discharge in like manner the said servitude effering to these Lands. Deed not executed."

Although the Grewars, one of the oldest families connected with Braemar, had long been in possession of a portion of the lands of Auchallater, the above receipted deed seems to have been the first written Charter granted them by the Earl of Mar, their Lord Superior. They

were thus in legal possession of these lands from 28th September, 1632, to 13th August, 1777, nearly 145 years; but long before the former date they held possession by the old form of tenure.

It is somewhat singular that, though the Precept of Clare Constat of 1693 is given in favour of Donald Grewer, no proprietor of that name appears in the Poll Book of 1696. The lands are there represented as held by Erskines, scions of the house of Mar. The last writ is a

"Disposition from James, Lord Fife to Mrs. Catherine Farquharson of the said Lands of Erskines Achallater containing Procuratory and Precept, dated 15th Augt. 1808."

In the Mar charter of 1564 the property is thus entered:—

"Terras de Auchinquhillater extendentes annuatim ad viginti sex solidos octo denarios firme quartam partem marte suum muttonem quatuor lie reik hennis pro areagiis et careagiis sex solidos et in quinquennio tres libras sex solidos octo denarios gressume."

AUCHOILZIE, GLENMUICK.

The earliest paper relating to this estate is thus noticed in the Invercauld repositories:—

"DISPOSITION by William Fraser, Craigtown, with Consent of Jean Lumsdaine, his spouse, In favor of Charles, Earl of Aboyne, Lord Strathavin and Glenlivet whereby they dispone to him for a certain sum of money All and haill the Town and Lands of Aucholzie, Haugh thereof Stodart croft and Bellino with the pertinents of the same lying within the Parish of Glenmuick and Sherifffdom of Aberdeen to which they had right by contract of Wadset past between them and George Marquis of Huntly, and which lands were redeemable on payment of £3000 Scots, the sum advanced by them to the said Marquis." This disposition is dated 13th of December, 1667.

These lands had been in the possession of the Gordon family since their acquisition by the first Earl of Huntly about the year 1447. The Marquis here referred to was the fourth of his family who had borne that title. His lordship was elevated to a dukedom, that of Gordon, on the 1st November, 1684, and died in 1716. The Wadset must therefore

1. There is an old Tack of the Teinds of the lands of Achallater, almost illegible, and not referred to in the bound Record, by John, Earl of Mar and his son, Lord Erskine, to Patrick McInlish (McIntosh?), 1532.

have been let to the Lumsdens some time after 1653, when his lordship succeeded to the estates, but probably not before the Restoration in 1660; so that they had not been long in possession. It was not long, however, till the Earl of Aboyne reset them on Wadset, as appears from the following :—

“CONTRACT OF WADSET betwixt John Gordon of Rothiemay Tutor Testrmenter to Charles Earl of Aboyne and Andrew Fraser of Kinmundie on the one part, and William Stewart lawful son to Thomas Stewart of Auchorachan on the other part whereby the said John Gordon and Andrew Fraser dispose to the said William Stewart and his heirs and assignies for payment of £3000. Scots, All and Hail the Towns and lands of Aucholzies, Upper and Neither Auchnacraig, Stodartcroft, Bellino and the haugh of Aucholzie and pertinents lying within the Parish of Glenmuick and Shireffdom of Aberdeen, redeemable by the Earl of Aboyne on payment of £3000 Scots money dated 23rd May, 1681.”

There follows an “INSTRUMENT OF SASINE in favours of the said William Stewart in the forsaid Lands under the hands of John Gillanders, Notary Public, dated 26th May, 1681.”

Following this there is “INSTRUMENT OF SASINE in favours of said William Stewart proceeding on a Disposition granted to him by James Gordon of Bellino and Janet Watt his spouse in the half of the haugh of Aucholzie and in the Town and lands of Bellino, Together with that pendicle of the Town and Lands of Aucholzie formerly possessed by James Murray *alias* Dow, and also that portion of the said Town and Lands of Aucholzie next adjacent to the Lands of the said James Murray extending to seven marks mailing yearly with pertinents lying within the parish of Glenmuick and Sheriffdom of Aberdeen.” “This Sasine is under the hand of John Gillenders, Notary Public, and dated the 26th May 1681.”

The following document refers to a subsequent arrangement :—

“DISPOSITION by Charles Earl of Aboyne in favours of the said William Stewart son of the said Thomas Stewart of Auchoilzie, son of Thomas Stewart of Auchorachan narrating the Contract of Wadset 1681, Whereby for the sum of 2500 merks Scots and for the sums formerly advanced he Disposes to the said William Stewart, his heirs male and assignees whatsoever irredeemably, All and Hail the Towns and lands of upper and Neither Auchoilzies, Auchnacraig, Stodartcroft, Bellno and the haugh of Aucholzie with the pendicles thereof called Gainderg Cairnray, Boginroll, Claskmirick and Bonwin with the pertinents lying

within the parish of Glenmuick and Sheriffdom of Aberdeen ; as also the Milne and Milnetown of Glenmuick, milne Lands thereof astricted multures sucken and knaveship of the Towns and Lands of Auchoilzie, Toldow, Altownrie, Belindorie, Stodartcroft, Blackharage and other duties and services thereto used with the shealings pertaining thereto called Carntorarie and Moss sixeklike belonging to the same in Craigivallach with the liberty of Fail and Divot and Muckyard in Corrie of Cairntonararie used and wont with the pertinents lying in the parish and Sheriffdom foresaid, To be holden feu of the said Earl for yearly payment of £20 Scots of feu duty and other services. Dated the 19th August 1699."

There follows on this :—

"INSTRUMENT OF SASINE in favours of the said William Stewart following on the said Disposition under the hands of Francis Moir, Notary Public, Dated 13th October 1699."

The above extracts show the holdings, and give some indication of the number of tenants on the estate of Auchoilzie at the close of the 17th century. In the Poll Book of nearly the same date (1696) Alexander Young, as tenant of Bellnoe, seems to have been a man of some consequence. In Auchnacraig there were eight tenants, and in Acholie six. The proprietor was the William Stewart referred to in the above extracts, and the valuation of his property is £120. He and Harie Farquharson of Ballatrach were the commissioners appointed to make the valuation, and it does not appear that at that date Mr. Farquharson of Invercauld held any land within the old parish of Glenmuick.

The next notice of the Stewart family, who then held the property, is thus recorded :—

"REGD CONTRACT OF MARRIAGE between Alexander Stewart eldest son of William Stewart of Aucholzie with consent of his said Father, and Anna Gordon only daughter of Robert Gordon of Corse, whereby the said William Stewart sells to the said Alexander Stewart and Anna Gordon and the longest liver of them two in Conjunct fee and Liferent, and the heirs male of the said Marriage All and haill the foresaid Lands and pertinents, dated the 9th July 1714 and Regd the 4th April 1719."

There follows :—

"BOND by William and Alexander Stewart of Auchoilzie to

Duncan Grant in Wester Lellach (Kellogh) for the sum of 300 merks, dated 5th Septr 1722 with Interest from Martinmas thereafter payable against Martinmas 1723."

From the following entry it would seem that William Stewart had died in 1727 :—

"CONFIRMED TESTAMENT by the said Euphane Farquharson, Executor confirmed before the Commissary of Aberdeen to the said William Stewart her husband, dated 18th November 1727."

Euphane Farquharson was the daughter of Harrie Farquharson of Whitehouse and Ballatarich, and sister of the Harrie Farquharson who was slain at Culloden. Her daughter, Rachel Stewart, grants the following assignation :—

"ASSIGNATION by Rachel Stewart, youngest daughter of the said William Stewart of the sum of 500 merks To the said Earl of Aboyne, dated 10th March 1756."

"EXTRACT of the said Duncan Grant's Testament dative confirmed by Robert Grant his eldest son before the Commissary of Murray (Moray), dated 25th July 1750."

"ASSIGNATION by the said Robert Grant of the foresaid Bond and confirmed Testament, Dated 5th Decr 1750."

"BILL drawn by Samuel Gordon in Milntown of Breachly upon and accepted by said Alexander Stewart late of Auchoilzie for £72. 9. Scots —Dated 3rd January 1745 payable upon the 3rd. Tuesday of November thereafter."

"BOND by the said Alexander Stewart to said Samuel Gordon for the sum of £100 Scots, Dated 23rd Septembr 1745 with Interest from Martinmas 1744 and payable at Martinmas 1745."

"ASSIGNATION by said Samuel Gordon of the last mentioned Bill and Bond to James Glass in Inchbobart, Dated 14th December 1749."

"ASSIGNATION of the same bill and Bond by the said James Glass to said Charles Gordon Dated 15th March 1750."

Previous to this there had been a bond on the property by Alexander Stewart to James Gordon on the Croft of Broghdow for the sum of 200 merks, Dated 24th September 1749 payable upon 11th November thereafter with Interest from Martinmas 1744. This bond the

said James Gordon assigns to the above named Charles Gordon, dated 15th March 1750.

Then follow :—

"BILL by said Alexander Stewart to John Jamieson in Miln of Birkhall for £42 Scots, dated 27th January 1743, payable at Martimus then next Indorsed by Margaret Jamieson and by her to her husband, and by him to said Charles Gordon of Abergeldy."

"BILL drawn by Charles Farquharson in Auchnar upon, and accepted by said Alexander Stewart for 50 merks, dated 14 January 1744 payable 15 days after date, Indorsed to said Charles Gordon."

"BILL drawn by said Charles Farquharson (of Breda) upon, and accepted by the said Alexander Stewart for 50 merks, dated 17th January 1745 payable 1st March thereafter. Indorsed by said Charles Gordon."

"BILL drawn by said Charles Farquharson upon and accepted by the said Alexander Stewart for £700 Scots, dated 17th January 1745 payable at Martimus thereafter, Indorsed to said Charles Gordon."

A bill by Samuel Gordon of date 14th December 1749 had been accepted by James Glass, and had become due the following year.

The result of the numerous bill transactions of the same character from 1743 to 1745 was that the laird, William Stewart, was hopelessly a bankrupt, and so took part in the Jacobite Rising of that year.

Financial difficulties were, however, crowding on the family, as is shown by the following entry :—

"GENERAL CHARGE to enter heir The Earl of Aboyne against James Stewart of Auchoilzie only son of James Stewart immediate younger Brother of the deceast Alexander Stewart last of Acholzie, and heir male of William Stewart of Aucholzie his grandfather, dated the 18th and signed the 19th days of November 1756 with two executions on the back."

Charles Farquharson of Breda, a grandson of the fore-mentioned, was factor on the Invercauld estates, and in his time well known as "the Factor Mor." A daughter of his was so much esteemed for her beauty

1. The following marginal pencil note is added to the above :—

"This James Stewart, cousin-german to Breda (a family long and intimately connected with the administration of the Invercauld estates) was father to Charles who went to Grenada."

and amiable manners that she was called "the Rose of Ballater." Her father was liferenter of Cluny Cottage, nearly opposite Invercauld on the south bank of the river Dee, of which he is sometimes, though erroneously, styled proprietor. She died in Ballater, where her father had a house; and it was long remembered that the funeral procession, one of the largest then witnessed, crossed the river Dee on the ice in January, 1806, at the time when the new bridge was being built.

"DECREET OF ADJUDICATION at the instance of Charles Earl of Aboyne against James Stewart of Auchoilzie and grounds thereof."

"BILL drawn by John Michie lawful son of John Michie sometime in Corriehoull upon and accepted by Alexander Stewart of Auchoilzie for the sum of 2000 merks, dated 25 April 1745 payable last Tuesday of November 1747."

"CONFIRMED TESTAMENT by James Michie in Glenfindrie as Executor Dative quā nearest of kin to the said John Michie before the Commissary of Dumfries, dated the 4 September 1750."

"ASSIGNATION by the said James Michie as Executor to the said John Michie his Brother of the said Bill and Confirmed Testament, To Charles Gordon of Abergeldy, dated 16th March 1751."

After these obligations had been transferred from one to another of Auchoilzie's creditors, there is the following entry :—

"ASSIGNATION by the said Charles Gordon of Abergeldie of the whole Bonds Bills and others above written to Charles Earl of Aboyne, dated 26 December 1753."

• Then follows :—

"ASSIGNATION by Margaret Stewart only child of the said deceast Alexander Stewart of Auchoilzie of the sum of 4000 merks provided to her by her Father's Contract of Marriage to the said Earl of Aboyne, Dated 10th February 1755."

From the above it appears that Alexander Stewart of Auchoilzie died in the year 1754, leaving an only child, Margaret, the inheretrix of a much dilapidated estate.

• This is followed by :—

"DECREET on the passive Titles, dated 29th June 1757, obtained at the instance of the said Charles Earl of Aboyne against the said James

Stewart Grandson of William Stewart proceeding on the grounds of debt before mentioned."

Then follow :—

"LETTERS OF SPECIAL CHARGE at the instance of the said Charles Earl of Aboyne against the said James Stewart Grandson of William Stewart, dated the 25th and signeted 26th August 1757, with one execution on the back and another on a paper apart ;"

and next year

"DECREET OF ADJUDICATION, dated the 18th January 1758, obtained at the instance of the said Charles Earl of Aboyne against the said James Stewart grandson of William Stewart proceeding on the grounds of debt before mentioned and adjudging the Lands of Auchoilzie and others foresaid in payment of the several accumulate sums therein specified extending in whole to the Total accumulate sum of £19,891 Scots money with abbreviate of the said decret of Adjudication, duly recorded the 24th February 1758."

Following on this, there is a bundle of papers marked as follows :—

"PRINCIPAL DISPOSITION, dated the 4th April 1758, granted by the said Charles Earl of Aboyne to John McKenzie, W.S., of the foresaid Lands of Auchoilzie and Decreet of Adjudication and grounds."

From a marriage contract of date 4th June, 1701, it appears that William Stewart of Auchoilzie had married Euphame Farquharson, daughter of Harry Farquharson of Whitehouse. On the margin opposite the lady's name there is this pencil note, "My grand aunt," and opposite the gentleman's, "Breda's grandfather, Andrew Farquharson, married to a daughter . . . of which marriage was Charles, Breda's father." °

These notes prove that the writer was Peter Farquharson, the father of the late Andrew Farquharson of Whitehouse, in Tough. This Peter was long trustee on the Invercauld estates, and much consulted as to their management. For further particulars see Jervise's notes and "Aberdeen Journal."

"CONFIRMED TESTAMENT by James Forbes son to Alexander Forbes Executer Confirmed to his said Father before the Commissary of Aberdeen the 2nd October 1755."

"CONTRACT OF MARRIAGE between John Schaw in Luibmore and Helen Stewart third daughter of the said William Stewart. Dated 13 July 1726, wherein she assigns to him 600 merks."

"CONFIRMED TESTAMENT by Ann Schaw Daughter of the said John Schaw Executer Confirmed to her said Father before the Commissaries of Aberdeen 4 March 1755."

"ASSIGNATION by the said Ann Schaw and Donald Cumming her husband of the foresaid 600 merks and Confirmed Testament to the said Earl of Aboyne, Dated 3rd December 1755."

"CONTRACT OF MARRIAGE between Francis Ross Miln of Dinnet and Isobel Stewart daughter to the said William Stewart wherein was assigned by her to him 600 merks, dated 3rd February and Registered in the Commissary Books of Aberdeen 12th November 1755."

"CONFIRMED TESTAMENT by the said Euphame Farquharson Executer Confirmed before the Commissary of Aberdeen to the said William Stewart her husband, dated 18th November 1727." (p. 32.)

The Earl of Aboyne ultimately became proprietor of the lands of Auchoilzie in consequence of the debts due to him by the last proprietor. The James mentioned in the general charge (p. 30), as appears from the following :—

"INVENTORY of the progress of Writs and Evidents of the Lands of Auchoilzie and pertinents disposed of by The Right Honourable Charles Earl of Aboyne to James Farquharson Esquire of Invercauld, 1766,"

was the last Stewart of Auchoilzie. The lands passed in the above year to the Invercauld family, and were incorporated with their estates, and finally sold to the late Sir James T. McKenzie, Bart.

• The following correspondence is quoted with the view of showing how exact proprietors then were in disposing of their lands, and how two such sensible owners as the Earl of Aboyne and Farquharson of Invercauld could arrange an adjustment of their marches and excambion of their lands :—

"Coppie Missive Letter Invercauld to the Earl of Aboyne anent Excambion of Islands 1765." •

"My Lord,

• Being desirous as far as lies in my power to remove betwixt us and our Families all those differences and disputes which intermixt properties often occasions : In consequence of the agreement your Lordship and me came to on the thirteenth current, after having viewed with this ameciable and friendly intention the following

subjects; I hereby dispoñe to you and your Heirs and assigneys irredeemably, The Island Derg Toldow presently possessed by John Michie my tennant in Toldow, lying on the south side of the water of Muick; in exchange for the Island of Balnoe presently possessed by John Gray your Lordship's tennant in Balno; and also the Island Derg Altonrie presently possessed by John Small and your other tennants in Altonrie both lying on the North side of the water of Muick; and which by your Hollograph Missife to me of this date, you have dispoñed to me my Heirs and Assignys in exchange for the above mentioned Island Derg Toldow; and whereas there are growing Birch and Aller wood; upon each of the subjects now excambed between us; but that each of us shall sell and dispose of the whole woods of whatever kind presently growing on these excambed subjects, in the same manner, as if no such excambion was made. I therefore agree that your lordship shall have one full twelvemonths from this date to cut and carry away the whole wood presently growing on the two above mentioned Islands of Balnoe, and Derg Altonrie; and to oblige myself within the above space of one twelve month, to cut and carry away the whole woods presently growing on the said Island Derg Toldow, and whatever part thereof shall remain uncutt and not taken away, at the expiration of the above mentioned space of one Twelve month from the date hereof, I hereby agree shall become your Lordships property in all time coming together with the whole stoll of wood on the above mentioned Island of Derg Toldow, We having agreed that from and after the expiration of the above mentioned space of one Twelve month from the date hereof; the whole stoll of wood, shall reciprocally follow the excambed subjects, in all time hereafter; and it is acknowledged by your Lordship at this date that the property of the whole wood growing or to grow on Eland Euowan, or Lamb Island, is and shall be my property in all time coming. The ground thereof being in terms of the agreement we are now come to, To remain in commonty and common pasturage betwixt your tennants of Balnoe and my tennants of Toldow and Tombreck. I am &c."

The foregoing is accompanied by a similar document docketed:—

"Copy Missive Letter The Earl of Aboyne to Invercauld, anent excambion of Islands, 1765,"

which is *mutatis mutandis* the same verbatim with the exception that his Lordship adds,

"I likewise renounce all right and title to the small Island opposite to Dalchropach which I declare to be solely your property."

The following also shows how particular proprietors were in arranging for the few March dykes which then began to be built:—

"These do certify and declare that I Donald Gordon in Mains of Aucholzie did measure upon the Twenty fourth day of October seventeen Hundred and sixty five years—Three Hundred and eighty eight Ells of the dyke of Boginroll built by Invercauld including Thirty four Ells or sixty eight Ells half built by the Earl of Aboyn, as also that Invercauld is due the said Earl for drawing the whole stones that built the last mentioned Sixty Eight Ells, and the same is attested by me at Mains of Aucholzie this Sixth day of December Seventeen Hundred and sixty five years

DONALD GRANT."

The inconvenience and strife caused by the want of fences is well illustrated by the following missive:—

"These are ordering and empowering you the tenants of Dallyfour, to House and peynd the sheep of the Muirton Easter Aurdmenach Clashkonack and Miltown of Braikly, if the tennants of these towns do not keep their sheep of the property of your possession. This you are to do as you shall be answerable to me

(So signed)

CHARLES GORDON.

Abergeldie 9th Octr
1762."

The practice of allowing flocks and herds, after the crop had been ingathered, to wander without control continued to a recent date.

"MEMORANDUM OF MARCHES of the Lands Between the Earl of Aboyne and Invercauld as now agreed upon by them and to be Inserted in the dispositions to be excuted in consequence of the minute of 29th August 1765—"

"The lands of Auchoillie, Altenrie and Blackharage are to be described as in the original rights (writs?) and infefments of these lands without variation.

"The forest of Bracock to be bounded as follows; beginning on the west end of the Forest at the Top of the Hill called Cairntaggart where wind and weather shears to the North with part of Invercauld's property of Glenbegg, and to the West or thereby with Glencallater (belonging to Invercauld) from the Top of said Hill by a straight line to the Head of Dow Loch; along which line it is bounded to the North and East by the White Month belonging to Abergeldy; and along the said Loch to the Burn that runs out of the same and along said Burn untill it emptys itself into the head of Loch Muick; and along the said Loch to the

Water of Muick which runs out of the same, and allong and down the said Water still running Eastward into the Linn of Muick where the said Forest is bounded to the East by the property of the Lands of Auchoilie, and on the South and South West by Glenmark belonging to the Earl of Panmure and by the Glens of Clova and White Water belonging in property to the Family of Airly as wind and weather shears betwixt the countrys of Angus and Aberdeen."

"The Marches between Lord Aboyn's Lands of Inchmarnoch, Then of Etenich (Etnick) and Forest of Glen Tanner which lies to the eastward of Invercauld's lands of Bracklie and grassings thereto belonging, are as follows :—

"Beginning on the North at a cairn erected on the south side of the Water of Dee dividling Inchmarnoch and Glen Muick, and from that cairn southwards or thereby, up the Hill from Cairn to Cairn through Glasschony to the sky of Correnervine and from that as wind and weather shears to the Cairn of Correnervine and from thence In an even line still southward or thereby Crossing The burn of Podlochy to Tainkirach and from that up the shank to the Brae breast to the shealing of Dalmulachie alias Dalmuchie to the top of the Hill called Knock Brander as wind and weather shears with Corremealachine, and then along by the head of Badlien as wind and weather shears between Podlochy and Garchory till you come to the Dog's Cairn and from the Dog's Cairn south-westward or thereby from Cairn to Cairn to a Cairn set at the joining of the Forkings of the Burn of Altingonner and from the last mentioned Cairn down the said Burn untill it runs into the Water of Tanner. And from thence up or west a little way untill you come to the Inver of the Burn of Aldess, up the said burn untill it devides itself into two grains; and then up the East Grain of said Burn to the head thereof; and from thence in a straight line Southward or thereby towards the head of the Burn of Down, unto the March of the Earl of Panmure's Lands of Glenesk and from thence westward where wind and weather shears betwixt the Countys of Angus and Aberdeen, until it Join the Forest of Braceo and Kiendrum."

"JUDICIAL RENTAL of the Lands of Auchoilzie Altonrie and Blackarage. Taken up at Auchoilzie the Fourth day of December Seventeen Hundred and Sixty five years."

"Compeared John Watt in Dubrach who being solemnly sworn and interrogate depones that he pays of money rent twenty seven pound, four shillings Scotch, of multure rent two pound thirteen shilling and four pennies Scotch, of school dues three shillings Scotch, and depones that he has a tack upon his possession the (Double) of which was produced

by Invercauld which the deponent acknowledges to be exact and this is the truth as he shall answer to God.

(Signed)

TO. PATTY"

Similar statements are made by a John Small, John McKenzie, Janet Elmslie, widow to David Ogilvie, who cannot write, and a Francis McDonald signs for her; John Gray, Peter Moir, Robert Moir, Alexander Gray, another Alexander Gray, Alexander Stewart, James Ker, Alexander Moris, Donald Smith, Alexander Gordon, James Gray, Francis Rioch, Donald Gordon, William Birse, and Jane Roy, who all appear to have been at that time tenants on the small property of Auchoilzie, as well as four other tenants—Peter Smith, James Calder, another Peter Smith, and Donald Smith—and who all with two exceptions make an attempt at signing their declarations.

The following note is added :—

"It is agreed betwixt Invercauld and the above named tenants of Blackarage that they are to pay the rent of Rienhin during the currence of their Tack at the term of Whitsunday, and that they are to pay the rent specified in the Tack granted them by the Earl of Aboyn at the term of Martinmass, during the lease there mentioned."

From a jotting of rental for crop 1765, the Earl of Aboyne seems to have received for Uppér Auchoilzie and for Chapel Croft a rent of £81 19s. od. Scotch, and Francis Reich £17 3s. 2d. Scotch; and George Gillanders certifies his rent in the following peculiar way :—

"My judicial rental ;—Money rent, Geo. Gillanders, £51. 9. 0,"

which seems to have been the yearly money rental of the whole estate as settled by Court; but the greater part of the rent was paid in kind.

There is an old Charter, almost illegible, by John, Archbishop of St. Andrews, to Mr. James . . . of the town and lands of Auchlorkage, dated 1563, which afterwards formed part of the Estate of Auchoilzie. The prefixed *Mr.* denotes that the donee was a clergyman. In this case, probably the incumbent of Glenmuick.

BRAICKLY.

This property consisted of Braickly, Toldow, Tombreck, Dollyfour, and Brochdow, and was held under the Marquis of Huntly.

The following are the earliest papers in this collection relating to it :—

A bond granted by Abergeldie to Braicklie of date 1605 gives the names of William Gordon of Abergeldie and William Gordon of Braicklie. The former succeeded his brother, Alexander c 1600; and the latter is the laird to whom the following refers :—

“Contract of Wadset between William Gordon of Kinarty and the Marquis of Huntly whereby the said Marquis Wadsets the Lands of Brackly, Balintober and Muirtown, Dalimclag, Balindory, Kuloiss, Toldow *alias* the shank of Lyndrum, Easter Ardmanach to William Gordon for the sum of 3000 merks, dated 17th June 1620.”

This was followed by a Charter in implement, 10th August, 1621, and Sasine 6th November the same year. The Marquis of Huntly afterwards on 20th April, 1638, granted a feu charter to the said William Gordon, which was also followed by instrument of Sasine in 1642. William seems to have been the first of his family who had a charter of the lands of Braickly. There is little doubt that he was in some way nearly related to the Abergeldie branch of Gordons; for not only did they take up the cause of his grandson against Inverey, but he appears to have been a proprietor of lands of which the lairds of Abergeldie were superiors. We find him accordingly disposing of the lands of Strerritdie (Sterrin?) in Glenmuick by feu charter to George Garrow in 1633. It would appear that William Gordon of Kinarty and Braickly died between 4th May, 1643, and 31st of July following, as at the former date there is :—

“DECT. OF APPRAISING, Robt Steven against William Gordon, Kinarty and Breickly”;
and at the latter :—

“INSTRUMENT OF SASINE in favour of Margt. Forbes, the said William Gordon's Spouse for her liferenty and John Gordon, their son, in the said lands and others proceeding upon a disposition from her husband.”

This John Gordon, son of William Gordon and Margaret Forbes, was the “Baron of Braiklay” celebrated in the well-known ballad, to be presently noticed.

In 1656 he grants a charter of Tombreck to Patrick Gordon, probably a relative; and in the following year there is:—

“DISPOSITION AND ASSIGNATION from the said Robert Steven to John Gordon of Breickly of All and whole the foresaid lands of Breickly, Ballindow &c dated 7th May 1657.”

No change in the occupancy of “Braichlie” is recorded for the next nine years. The laird had been steadily increasing in popularity and influence; and being a capable man, commissions and offices of trust were by the civil authorities reposed in him. He held his lands not, as has been supposed, of the Earl of Aboyne, but of the Earl's nephew, the Marquis of Huntly, which was the cause of some jealousy between the parties, and probably contributed to the bad feeling which culminated in the slaughter of the Baron.

This sad event caused a great deal of strife, and much correspondence of a somewhat angry character followed thereon, as well as a process at law against the perpetrator, John Farquharson of Inverey, the papers relating to which have been examined and reported on by Dr. John Stuart in his fourth Report of “The Royal Commission on Historical Manuscripts,” part I., pp. 534, 535.

Dr. Stuart writes:—

“Besides the usual documents connected with the transmission of the various estates of the family, the collection at Invercauld contains many miscellaneous papers of considerable interest in the illustrations of Highland history and manners..

• “The following paper preserves the contemporary versions of a tragic affray which occurred in Strathdee on 7th Sept. in the year 1666, and is commemorated in a local ballad called ‘THE BARON OF BRAICKLEY.’ It is entitled ‘Memorandum for John Farquharson of Inverey, and others, 24 January 1677,’ and sets forth that John Gordon of Brackley having bought from the Sheriff of Aberdeen The fines exigible from Inverey and others for killing of black-fish, the said Brackley made friendly arrangements with others, but declined to settle with Inverey; whereupon the latter, being on his way to the market at Tullich, sent Mr. John Ferguson, minister of Glenmuick, John McHardy of Crathie, a

1. The transference of the lord-superiorship of Braickly and other lands in Glenmuick from the Marquis of Huntly to the Earl of Aboyne is narrated in the *Records of Aboyne*, p. 342 et seq., in which work is recorded the history of the Barony, as it was designated, previous to the date (1620) when the Invercauld papers take it up. The transference took place 19th Nov., 1676.

notary, and Duncan Erskine, portioner of Invergelder, to the Laird of Brackly, with the view of representing to him that Inverey and his tenants were willing to settle their fines on the same terms as their neighbours. These proposals were received by Brackly with contempt, and during the time of the communing he gathered his friends and attacked Inverey, and having 'loused severall shotts' against Inverey's party, the return 'shots' of the latter were in self-defence. The result was that the Laird of Brackley with his brother William and their cousin James Gordon in Cults were killed on the one side, and on the other, Robert McWilliam in Inverey, John McKenzie, sometime there, and Malcom Gordon the elder. This is the account of the affray by Inverey, but the paper contains that given by the son of the murdered Laird of Brackly, and the Marquis of Huntly as one of his friends, which is to the effect that Inverey had convoked his people to revenge himself on Brackly for putting the law in execution; that he came to the house of Brackly and required the Laird to restore his cattle which had been poinded; and that although the Laird gave a fair answer, yet the Farquharsons, with the view of drawing him out of his house, drove away, not only the poinded cattle, but also Brackley's own cattle; and when the latter was thus forced to come out of his house, the Farquharsons fell on him, and murdered him and his brother. The memorandum proceeds to controvert this statement in some respects, and accounts for the convocation of Inverey's friends by the fact that Inverey was Captain of the Watch for the time; and that he and his ancestors had been in use to go to the market with a like number of men to guard it, and, 'it is very weel knowin that the customes of the country is that people who are going to the mercatt doe use to gather and goe allongst with that companie, which they see are numerous, either for their own securitie or kyndness for the personnes with whom they goe, and moreover, it is the custome of that mountainous country to go with arms especiallie at mercats.'

"The memorandum concludes with a suggestion that criminal letters should be raised at the instance of the nearest of kin of the followers of Inverey who had been slain, and of the Earl of Aboyne, against the persons accused of killing them, so as to meet the like proceedings at the instance of the son of the Laird of Brackly and the Marquis of Huntly.

"This document is valuable for the notices of several Highland customs which it describes or refers to, and for the light which it sheds on the wild state of social life on upper Dee in the time of Charles II.

"The old (and probably contemporary) ballad has obviously been written by one who sympathised with the Gordons, while under a family gloss the main facts of the historical statement may be recognised,

The unwillingness of Brackley to begin the fray is dwelt upon ; and he is represented as having been goaded on by the taunts of his wife —

“ She called on her maidens and bade them come on ;
Tak’ a’ your rocks, lasses, we will them comman’,
We’ll fecht them, and shortly the cowards will fly,
So come forth, my maidens, and turn back the kye.”

To which Brackley is made to reply :—

“ Now haud your tongue, Catherine, and bring me my gun
I am now going forth, but I’ll never come in.
Call my brother William, my uncle, also,
My cousin, James Gordon ; we’ll mount and we’ll go.”

The fight is then described :—

“ When Brackly was busked and stood in the close
A gallanter Barrone ne’er lap on a horse ;
When they were assembled on the Castle green,
Nae man like brave Brackly was there to be seen.
‘ Strike, dogs,’ cries Inverey, ‘ and fecht till ye’r slain,
For we are twice twenty and they but four men.’
At the head o’ Reneaton the battle began,
At little Auchoilzie they killed the first man.
They killed William Gordon and James o’ the Knock,
And brave Alexander, the flower o’ Glenmuick.
First they killed ane, and syne they killed twa,
They hae killed gallant Brackly, the flower o’ them a’.
Wi’ swords and wi’ daggers they did him surroun,
And they pierced bonny Brackly wi’ mony a woun.”

The concluding verse expresses the general feeling :—

“ Frae the head o’ the Dee to the banks o’ the Spey,
The Gordons may mourn him and ban Inverey.”

“ That Inverey was the aggressor may be inferred from a paper in the collection at Invercauld of later date, being a warrant dated 12th February 1685 by the Earl of Perth, Lord Chancellor, for apprehending John Farquharson of Inverey and others his followers, who had been outlawed for not compearing to answer at their trial, and had subsequently continued for many years in their outlawry, associating with themselves a company of thieves, murderers, and sorners ; therefore empowering James Innes, Sergeant, and Corporal Badnock, commanding a party of troops at Kincardine O’Neill, to apprehend the said John Farquharson and his accomplices.”

It may not be unnecessary to explain that though John Farquharson

took his style of Inverey from his property at the upper end of the Dee valley, 24 miles distant from Braickly, he was also proprietor of the lands of Tullich and Ballater, in the immediate vicinity of Braickly; and, being at this time a young man of a hasty temper and turbulent disposition, many causes of quarrel arose between the two lairds. Inverey being outlawed, as stated, gathered around him a body of the loose men of his dependants, and became the scourge of the neighbouring lowlands, especially Cromar, Corse, and Leochel-Cushnie. On the farmers in these districts he levied a heavy tax of blackmail. As "The Black Colonel" he is the hero of many a local legend, some of which are still current, and partially, if not wholly, believed.

As was to be expected, he was out with Dundee, and showed high qualities as a soldier, giving General Mackay no little trouble in the campaign preceding Killiecrankie.

The protracted investigation in Edinburgh into the slaughter of the Gordons kept alive and embittered the feud between the hostile parties; and for many years the country was in a perfectly lawless condition. The minutes of the Kirk-Session of Glenmuick record that the minister, the above named John Ferries or Ferguson, had to attend the Court as a witness in the trial; that thereafter he was frequently obstructed in the discharge of his duties; that on 3rd March, 1667, he could not venture to preach at Tullich "by reason of the loose men in the country"; and that "the communion should have been celebrated 7th April, 1672, but was stopped through the trouble in the country by Highlanders." After the troubles connected with the Inverey raid had been put a stop to by the Revolution, the next change in the proprietorship of Braickly is indicated as follows:—

"CHARTER OF ADJUDICATION from George Gordon Tuter to the Earl of Aboyne, in favor of Isaac Fullartin of the Lands of Breickly, Toldow and Tombreck proceeding upon the Decrees of Adjudication at the instance of George Gordon of Knockspake and Alexander Kerr of Mains to which the said Alexander Fullartin had acquired right, dated 4th Augt. 1708."

Sasine followed thereon 2nd February, 1709. Then follows:—

"DISPOSITION from the said Isaac Fullartin of the said Lands and others to James Fergusson, Advocate, in Trust for John Farquharson of Invercauld, dated 20th March 1712."

This appears to have been the first acquisition of property in Glenmuick by the Invercauld family. The lands of Auchoilzie and others followed some time after, as already stated.

In the Poll Book (1696) Invercauld is not rated as possessor of any lands in the old parish of Glenmuick.

The above Disposition was followed by the usual legal Assignment and Sasine, dated respectively 21st March and 25th, 1712. Then follow :—

“INSTRUMENT OF RESIGNATION in the hands of Lord Aboyne in favor of the said John Farquharson proceeding upon the Procuratory in the Disposition from Isaac Fullertin, Dated 10th Augt. 1723,”

and

“INSTRUMENT OF RESIGNATION in the hands of the said Earl in favor of the said John Farquharson, dated 22nd April 1727.”

And of same date :—

“CHARTER OF RESIGNATION AND NOVODAMUS from Earl of Aboyne to the said John Farquharson of the following lands, Braickly, Ballindorrie, Toldow, Tombreck.”

Instrument of Sasine follows thereon in due course; and then the Duke of Gordon's Charter of Resignation to James Farquharson of Invercauld, with consent of the Earl of Aboyne, of the Lands of Auchoilzie and Braickly, &c., proceeding upon the above Resignation, is granted 23rd June, 1766, and confirmed 14th July, 1801, followed by Instrument of Sasine of same date.

NOTE.—The name Braickly or Breachlie is derived from the Gaelic *breacath*, spotted black and white, and signifies, when applied to a locality, that it is partly arable and partly moorland. The estate, which was of considerable extent as estates then went, lay to the south of the Muick, near its confluence with the Dec. The present mansion (Sir Allan McKenzie's), built on the site of the old castle, commands one of the finest views in the neighbourhood of Ballater.

CAMASAKIST, OR CAMUSNAKIST.

In the fourth report of the Royal Commission on Historical Manuscripts, p. 533, Dr. Stuart thus refers to the first charter granted for this property :—

"The clan of the Farquharsons was long settled on the banks of the highland Dee before they got written titles to their lands. They held their possessions under the Earls of Mar, and it was not until the time of Charles I. that these powerful overlords began to grant charters to their vassals in Braemar. Several of these charters are in the collection at Invercauld, and are dated at Alloa, 28th September 1632. That to Donald Farquharson of Camusnakist, and his wife Isobell Small, conveys to them the land of Camusnakist in the Brae of Mar, and describes them as extending to four oxgates. The Earl reserves the hunting of deer and roe, and stipulates for payment of a feu duty of twelve merks six shillings and eight pence at his principal dwelling house in the Brae of Mar, called the Castle of Kindrocht, yearly. Besides paying suit at the head courts of Kindrocht, the vassal was bound to attend any courts which might be called for sitting in judgment on those who should hunt for deer without leave, or should steal or put away hawks or hawknests within the bounds of Mar. The penalties for so doing, or cutting or destroying wood, consisted in payments of marts. There was a provision, however, that if 'it sall happen the said Donald Farquharson the tyme of the hunting of the fox, wolfe, or ony other ravenous or destroying beastis to slay any raes,' in that case no payment was to be exacted. The vassals were bound to give personal attendance on the superior with eight followers from each davock of land, with their dogs and hounds, at all his huntings, within the bounds of Mar, 'and sall cause big and put up our lounkartis¹ for the hunting, and sall make and put forthe tinchellis² at the samen, according to use and wont.' They were also to attend all his hostings upon their own charges, and attend his baillie at all general musters and weapon schowings within the Sheriffdom of Aberdeen."

"The prominence of the provisions in regard to attendance at hosting and hunting, and the arrangements about deer and hawks, show that the securing of a large revenue was less in view than the obtaining of a strong array of followers, with a well-protected hunting ground." This property, which was conjoined with that of Coldrach in the person of James Farquharson, as noted in his Disposition of it to Invercauld, is fully described in the Deeds of Entail.

A very full account of it is also given in a Precept of Clare Constat, of which the following is a short account:—

"PRECEPT OF CLARE CONSTAT by Wm. Lord Braco in favors of

1. A lounkart was a structure of stones or sods erected to support cooking utensils in the field or forest. Recently it meant any rude fireplace out of doors. 2. Beaters at deer hunts.

James Farquharson of Coldrach for infefting him as heir of the deceased Donald Farquharson his Grandfather in the Town and Lands of Camasakist in the Brae of Mar with the pendicles thereof called Corlaroch and others before described with the Teinds and Pertinents thereto belonging—Feuduty 12 merks and 6s. 8d. Scots payable at Whitsunday and Martinmas, and doubling the same at the entry of each heir as use is in feu form, and for the Teinds the Feuair is to relieve the Superior of the Minister's Stipend payable furth of the said' lands."

It contains a great many feudal and personal services, to which this provision is annexed :—

"That the foresaid persona^r services and attendance and clause prohibiting the vassal from alienating the said Lands and others without our consent shall and may be taxed and converted in the terms of and agreeable to the statute of the first year of the reign of King George the 1st., Entituled an Act for the more effectually securing the peace of the Highlands of Scotland, and in terms of and agreeable to the Act of Parliament of the 20th year of the Reign of the late Majesty George 2nd entitled 'an Act for taking away the Tenure of Ward holding, and from and after such Taxing or Conversion the sums of money at which the same shall be valued and Converted are and shall be payable at the same Terms with the feuduty above mentioned in all time thereafter. Dated 29th May 1752."

COLRACH (COLDRACH).

This property, situated on the Cluny, was early held by a branch of the Farquharsons, and continued in the same family under written charter from 1632 to 1769, when the following Disposition of it is recorded :—

"DISPOSITION by the said James Farquharson of Colrach with consent of Mary Lumsden his spouse of the said Lands of Colrach and others above described, In favour of the said James Farquharson Esq. of Invercauld, his heirs and Assignees whatsoever, containing Procuratory of Resignation and Precept of Sasine. Dated 12th Dec. 1769."

Since then it has remained an integral portion of the Invercauld estates.

Coldrach came into the possession of this family of Farquharsons through the marriage of William Farquharson, son of Donald of Castletown, to the heiress of a former occupier, who seems also to have been a Farquharson, but of what stock is unknown.

James of Coldrach was son of this William. His son, William Farquharson, would appear, according to the family tree, to have left no issue; and the property reverted to his uncle, Robert Farquharson of Tomintoul, with the result stated in the Disposition recorded under Lawsie of date 21st February, 1677.

The property of Coldrach did not follow this Disposition, but remained separate till acquired by James Farquharson of Invercauld, as above recorded, in 1769. The Coldrach sept of the Farquharsons, which seems to have branched out into numerous families, was descended from Donald Farquharson of Castleton *alias* Monaltrie.

George of Coldrach, in Glenclyny, married Marjory Farquharson, a daughter of Allenquoich, and died before 1760. Their eldest son was James; another son was William, both of whom left issue.

Marjory Farquharson survived her husband many years, and married a John Campbell for her second husband. She had a jointure of £100 Scots of the rents of Coldrach at the time the property was sold to Invercauld. There is a curious agreement, referred to in some correspondence regarding the sale, by which James of Coldrach, who was married to a daughter of Tillywhillie (Douglas), stipulates that the purchaser (Invercauld) "should give his wiffe a new Gowne at the term of Martinmas next" after receiving the title deeds.

Cambusnakist formed part of the estate of Coldrach in 1769, and was sold along with it. The price paid was £1450 sterling, a large sum at that time. The last laird, James Farquharson, had for several years previous to 1769 been running into debt, signing bills for Fleming of Auchintoul in Glengairn, who was also impecunious, and getting them protested.

After the sale of his property he removed with his family to Stonehaven, where he seems to have prospered, and been the founder of several business houses there and in Montrose. "His youngest son, Murray Farquharson, Capt. in the first West India Regt., and sometime Lieut.-Col. of the second regt. of Aberdeenshire local Militia, died

NOTE.—The name Camasakist, or, as it is often spelled, Camusnakist, now quite forgotten, signifies plainly enough the bend in the valley where coffins are laid, *i.e.*, where the graveyard is. It also fixes the locality as on the north bank of the Cluny, at the point where the upward trend of that valley turns sharply westward.

at Elsie 2nd Nov. 1837, aged 76." He is understood to have been the last representative of the elder male line of the family.

Colrach is a compound of two Gaelic words—*cuil riabhach*, the reddish corner.

CASTLETON AND BADDOCH.

This was an early acquisition of the Farquharson family, but no written charter was given till the following :—

"CHARTER from James Erskine of Grange and David Erskine of Dun Joint Proprietors of the Earldom of Marr To John Farquharson of Invercauld, of the davock of land in Braemar called Castleton, comprehending Bellachlaggan Ardochie and Tomneraw, Glenclunie, Newbigging, and Corriellareck, with the lands of Glen of Baddoch and with the Fishings of Dee and Clunie, To be holden in Feu of the said James and David Erskine. Dated 31st July and 6th August 1731."

The superiority was acquired by Invercauld the same year. In the charter to the Earl of Mar, 1564, A.D., these lands, with the Feu-duties, are thus inserted :—Sp. Club, Antiq Vol. II. pp. 87-88.

"Terras de Kindrocht alias Casteltoun extendentes annuatim ad decem libras firme vnam martam quatuor muttones duodecem lie reik hennis¹ pro areagiis et careagiis quadraginta quinque solidos duas bollas avenarum et pro gressuma in quinquennio viginti libras."

At the date of the Poll Book (1696) the lands of Castleton were held in personal property by the Earl of Mar. At some previous period—date not ascertained—they had been given to Donald Farquharson, a son of Finla Mor, for service rendered and to be rendered to the Earl. So runs the family tradition, for it was before the era when the Earl condescended to grant written charters. It is added that he transferred Donald from Castleton to Monaltrie; and this Farquharson thus became the founder of that family. The property, along with others conjoined with it, remained in the hands of the Erskines of Mar till disposed of, as in the above charter, to the Invercauld family.

According to the Poll Book (1696) the valued rental of the "Paroch of Kindrochet" (Braemar) amounted to £1615 3s. 4d. "The Laird of

1. A reik hen was one reared in the dwelling-house, and considered of superior quality. A lie hen was a *live* fowl. Avena, oats of the small black variety then grown in the district,

Invercauld (John Farquharson) as greatest heritor in the said parochin "is entered at a valuation of £333 6s. 8d.

Although Invercauld is thus said to be the "greatest heritor," "the Earl of Mar his valuation in the said parochin is entered at £500." In the MS. description, 1811 A.D., Castletown of Braemar is thus entered :—

"All and whole the Davock of Land in the Brae of Marr called Castletown comprehending the Town and Lands of Castletown, Bellachlaggan Ardorchie and Tomnavaw with the mill of Castleton, mill lands, multures and sequels thereof. The Town and Lands of Glencunly, Newbigging, Cornclarich with the parts, pertinents, and pendicles thereof, and with liberty to build a new mill thereon, with multures and sequels of the same."

It may be added that in the Mar charter (1564) a croft, commonly called the cowbill (coble), with the boat and ferry of Castleton, is attached to the property :—

"Pro transportation colonorum patrie extra aquam de Dee."

The charters conveying both proprietary and superiority rights, with attached seals, are preserved at Invercauld.

BADDOCH.

The proprietary history of this glen, as shown by these records, dates back to the above noticed charter of 1731, when the Mar estates, being forfeited by the Earl on account of the Rebellion of 1715, were being disposed of.

The property does not seem to have been, before the above date, a separate estate, but to have been a part of either the Inverey or Coremulie (Corriemulzie) lairdship. It was probably on account of the old connection with the Inverey or Corriemulzie estate that some misunderstanding arose in regard to certain rights of grazing, which led to an action in the Court of Session. The finding of the Court is thus briefly recorded :—

"DECREET OF DECLARATOR before the Court of Session establishing John Farquharson of Invercauld's right to the Glen of Baddoch. Dated 10th July 1742."

The Baddoch glen is one of the most secluded in the whole Highlands, branching off as it does from the upper end of Glen Clunie a pass so narrow as to hide it from the view of the passenger by the now much-frequented Cairnwell Road. It forms, however, an excellent sheep grazing.

NOTE.—The Baddoch, as already indicated, is a tributary glen of the Cluny, joining it about six miles south-west of Castleton of Braemar. The name is probably derived from the Gaelic *Badaich*, signifying thickets or clumps of trees. There is now no natural-grown timber in it; but its peat mosses bear evidence of its former wooded condition.

COLDSTONE.

The earliest charter of the lands so named is thus recorded:—

“CHARTER from the Bishop of Saint Andrews, with consent of his chapter to William, Lord Forbes of Kinaldie of All and Whole the Church lands of Coldstone, dated 5th Novemr. 1439.”

A Precept of Sasine follows in favour of Alexander Forbes of Kinaldie, proceeding upon the above charter, dated 7th July 1446.

Another Sasine in favour of John Forbes of “Pitsliggo” on the lands of Coldstone and Crynandry is dated 19th January 1497.

A Tack of the Teinds of Coldstone from James Hope, Parson of Coldstone, to the said John Forbes, is dated 6th July 1500.

An Instrument of Sasine in his favour on the lands of Coldstone is dated 5th October 1536, and a Transumpt of the charter by the Bishop of Saint Andrews is dated 19th April 1553.

That is followed by a Precept of Clare Constat from the Archbishop of Saint Andrews in favour of Alexander Forbes of Pitsliggo as the heir to his father, John, in the lands of Coldstone, dated 8th April 1557, with Sasine following.

A Precept of Clare Constat from the Archbishop of Saint Andrews for Infesting William Forbes of Pitsliggo in the lands of Coldstone as heir to his father, Alexander, is dated 26th June 1563, and Instrument of Sasine follows thereon.

A Tack of the Teinds of Coldstone from the R. C. Parson of Coldstone to the said William Forbes for 19 years is dated 1566.

A Precept of Clare Constat by the Archbishop of Saint Andrews for Infesting Margaret and Janet Forbes as heirs portioners of their father, the said William Forbes, is dated 18th May 1579, and Sasine follows thereon.

A Procuratory of Resignation by the said Janet and Margaret Forbes in favour of Alexander Forbes of Pitsliggo is dated September 1579.

A Charter proceeding thereupon from the Archbishop of Saint Andrews in favour of the said Alexander Forbes and his Spouse is dated 16th February 1580; and Sasine in their favour in the said lands of Coldstone follows, 25th May 1580.

A Tack of the Teinds of Coldstone from James Duff, R. C. Parson thereof, to the said Alexander Forbes is dated 8th August following.

The next Charter is of some consequence, ecclesiastically viewed. It is docketed :—

“CHARTER OF CONFIRMATION AND NOVODAMUS by the Archbishop of Saint Andrews, in consequence of the Act 1606, restoring Episcopacy, in favour of John Forbes of Pitsliggo and his Spouse to the lands of Coldstone, dated 22nd August 1609.”

“A PROCURATORY OF RESIGNATION by the Earl of Mar for Resigning the Patronage of Coldstone in favour of the said John Forbes is dated 9th July 1616.”

Then follows :—

“CHARTER from the Archbishop of Saint Andrews in favour of John Forbes of Pitsliggo and the Heirs of Tailzie therein mentioned of the said Lands of Coldstone, dated 23rd December 1616; and Sasine thereon follows in May next year.”

Another Sasine on the same subject, dated 13th, is registered at Aberdeen, 16th July 1621.

A Charter of Confirmation under the Great Seal in favour of the said John Forbes of the said Charter and Sasines is dated 13th September 1621.

A Precept of Clare Constat from the Archbishop of Saint Andrews in favour of Alexander Forbes of Pitsliggo as the heir of the said John Forbes is dated 20th April 1630; and Sasine follows thereon.

"EXT. PROCURATORY OF RESIGNATION by the said Alexander Forbes in favor of himself and the other heirs therein mentioned is dated 3rd day of May 1630 and Registered in the Books of Session the 29th July same year."

Instrument of Resignation, dated 16th June 1630, follows.

Feu Charter from the Archbishop of St. Andrews in favour of the said Alexander Forbes and the other heirs therein mentioned, proceeding on the said Resignation, bears the same date, and Instrument of Sasine follows.

Although the above named Alexander Forbes is styled of Pitsliggo, it would appear from the following that he succeeded to the title of Lord Forbes:—

"INSTRUMENT OF SASINE in favour of Alexander, Lord Forbes, in the said lands of Coldstone, proceeding on a Precept of Clare Constat dated 10th July 1637 from the Archbishop of Saint Andrews for infefting him as heir to his father the said Alexander, Lord Forbes, dated 23rd Septer. and Regt. at Aberdeen 17th October 1637."

Then follows a Charter from the said Alexander, Lord Forbes, to Alexander Forbes of Boundlie, of the Barony of Kinaldie and lands of Coldstone, dated 17th May 1656.

This Disposition of the lands of Kinaldie and Coldstone to Alexander Forbes of Boundlie, now Boyndlie, was followed by a Charter of Resignation under the Great Seal in favour of the said Alexander Forbes of Boundlie erecting these lands into a Barony. This Charter is dated 15th August 1664, and Sasine followed thereon.

Extract Retour of the special service of Henry Forbes as heir to his father, Alexander, in said Barony is dated 25th November 1681.

Proceeding upon this Special Retour, Henry is infefted in the said lands and others, 14th February 1683, and Sasine follows thereon.

A Disposition from the said Henry Forbes to James Forbes of Kinaldie of the Barony of Kinaldie, exclusive of Melgum, which had previously been conveyed to Henry Elphinstone, is dated 26th March 1692, and Sasine follows thereon.

In a note to this Disposition we are informed that "William Farquharson of Invercauld acquired right to a number of Adjudications

led against Henry Forbes of Boundlie affecting the Barony of Kinaldie, &c.; and it appears from the Scroll of a Bond for part of the Price of Kinaldie that Henry Forbes had afterwards disposed of these lands to John Farquharson of Invercauld by a Disposition, dated 19th May 1694."

These complications gave rise to much litigation, as appears from the correspondence on the subject. However, on John Farquharson of Invercauld being served heir to his late brother, William, in 1694, there follows an

"INSTRUMENT OF RESIGNATION in favour of John Farquharson of Invercauld as heir to his brother, William, of All and Whole the Lands of Kinaldie, Superiority of the Groddies and Patronage of Coldstone."

Ultimately the lands of Coldstone and Melgum, proceeding on the Dispositions from the said Henry Forbes and Henry Elphinstone, dated 19th July 1695, were assigned to the said John Farquharson of Invercauld.

Following on this, a Charter under the Great Seal is passed in favour of the said John Farquharson, dated 26th July 1695, and Sasine follows thereon. Thus the lands of the two Baronies, as they are called, of Kinaldie and Melgum, passed of right into the hands of William Farquharson of Invercauld in 1694, in which year he died, and was succeeded by his famous brother, John, who had a considerable struggle in maintaining his rights to these lands in Cromar.

Among the papers in the case there is a Decreet of Annexation and provision of the parishes of Coldstone and Logie, dated 17th July 1618, and registered 11th June 1707, which fixes the date of the union of those parishes. About this time (1696) an estimate of the lands of Invercauld was taken with a view to executing a Deed of Entail, which, however, was not carried through.

The properties, the superiorities of which were acquired by purchase from James Erskine of Grange and David Erskine of Dun, as successors to the attainted Earl of Mar, by John Farquharson of Invercauld in 1731, were the following :—

Invercauld,	Crathie,
Breachan,	Lawsee,

Castletown,
Glenabaddoch,
Aberarder,
Bellamoire, &c.,
Monaltrie,
Duchry, &c.,

Wester Micras,
Toragalter of Wester Micras,
Sleoch, &c.,
Richarcarry,
Salmon fishing of
said lands,

and are so registered in the books of Council and Session, 5th August 1732. These and other lands were included in an Instrument of Resignation in the hands of his Majesty, with the superiority of the Groodies and Patronage of Coldstone, for new infestment in favour of the said John Farquharson, dated 22nd June 1737, proceeding on former charters and deeds, and also on a Deed of Entail by the said John Farquharson, dated 7th August 1735.

There follow :—

"CHARTER OF RESIGNATION under the great seal in favour of the said John Farquharson of the said lands and others, dated 3rd July 1738,—All which lands, excepting Kinaldie, Groodies, and the Patronage of Coldstone, are erected into a free Baroney, called the Baroney of Invercauld."

And

"INSTRUMENT OF SASINE in favour of the said John Farquharson proceeding thereupon in all of the said lands excepting Kinaldie, Groodies, and Patronage of Coldstone, follows, dated 12th and Registered in the General Register 29th March 1739."

Then follows :—

"INSTRUMENT OF SASINE in favour of the said John Farquharson in the lands of Kinaldie, Groodies, and Patronage of Coldstone, dated 7 March and Regd. at Aberdeen, 2nd April 1739."

Also :—

"EXT. REVOCATION of John Farquharson of Invercauld of the destination in part of his Deed of Entail 1735, dated 5th Decemr. 1748 and Recorded in Books of Sasine 8th April 1754 and in General Regr. of Sasines at Edinburgh 4 March 1806."

This Revocation was in favour of his son, James Farquharson, who, after the death of his father, was retoured as heir of Taillie and Provision in Special to the said John Farquharson, dated 12th June 1764 in the Baronies of Invercauld and Kinaldie:

This is followed by the usual Precepts of Sasine, &c.

A small parcel tied up with the above Revocation contains a contract of marriage between Paul Farquharson of Rochquhalzie and Alison Durham, on which Invercauld seems to have been Trustee.

Also :—

Another contract of marriage between Patrick Farquharson, son and heir of the said Paul and Ann Farquharson, daughter of Culsh, is dated 6th June 1710, on which John Farquharson of Invercauld is principal Trustee, both showing the intimate relationship of the families.

See papers relating to Culsh and Dalbeddie (Dalbagie).

Finla Farquharson, son of the said Patrick, disposed of his lands to James Farquharson of Invercauld by Deed of Disposition and Assignment, dated 13th May 1760, whereupon the usual legal documents followed.

CRATHIE.

* The earliest notice of Crathie, as a separate property, which we have in these papers is contained in the charter by Queen Mary of the Earldom of Mar to her brother in 1564, the feu-duties from which, payable to the Superior, are thus entered :—

"Terras de Kirktown de Crathye extendentes annuatim ad quinque libras firme dimidiam marte, duos mutones, vnam bollam avenarum quinque lie reik hennis pro areagiis et careagiis, viginti duos solidos sex denarios et in quinquennio decem libras gressume."

Originally the property was of small extent, lying along the north bank of the Dee from a point opposite Balmoral Castle eastward for about a mile in a straight line. It received its name from enclosing within its bounds the church property—manse, glebe, church, and churchyard of the parish.

There is some uncertainty about the derivation of the name. The Rev. Charles McHardy, who wrote the Statistical Account for Sir John Sinclair's great work (1794), and who was a good Gaelic scholar, gives it thus :—

"Crathy is of Gaelic derivation, probably from *Cruaidh-achadh*, 'hard or stony fields,' as the parish, in general, is rocky, and full of stones; or from *Craoibh-achadh*, 'fields or ridges, intersected with wood.'"

The former is probably the real origin of the name, as it was aptive of the condition of the locality even down to well within the cent century.

The earliest charter to a vassal was one granted to William Farquharson of Auchriachan by the Earl of Mar, dated 28th September 1632, whereon Sasine followed 11th October of the same year.

Finlay Farquharson—fifth son of Finlay Mor—founder of the Auchriachan branch, settled his second son, John, on the Crathie property, whose grandson, William, is the one referred to in the charter.

We have next :—

“EXT. CONTRACT OF WADSET Between the said William Farquharson and Thomas Farquharson of Ennets, whereby the said William Farquharson Wadsets the Town and Lands of Crathie To the said Thomas Farquharson for 4000 merks, Dated 24th Feb 1638.”

• The Laird of Ennets had evidently lent money to Farquharson of Auchriachan, and had got the lands of Crathie in security. It seems that Auchriachan was not able, or disposed, to redeem his bond; for in May of the same year he grants a charter “to the said Thomas Farquharson in implement of the said Contract for infesting him in the said Lands—dated 26th May 1638,” of which Sasine follows.

Then the said Thomas Farquharson disposes of these lands to Robert Farquharson of Aldlarg (Allargue), 26th May 1648, and grants charter to this effect. Sasine whereof follows of same date.

Robert of Aldlarg grants a charter of these lands to his son, John, dated 16th March 1655, and Sasine follows thereon.

This John Farquharson disposes of these lands to “John McHardies” by Charter in Liferent and Fee, dated 25th August 1665, and Sasine follows.

• Another

• “INSTRUMENT OF SASINE in favor of the said John McHardy and Margaret Auchterlony his wife upon their contract of marriage (is) dated 11th and 16th December 1685”

• The Crathie Writs, extending from the first of the above in 1632 to

1685, are eight in number, many of which are long, and filled with the usual legal phraseology about bondages, servitudes, &c., in addition to money rents.

Small as the estate was, it seems somehow to have maintained a considerable population. In the Poll Book there are entered no fewer than three lairds who had portions of it, and whose tenants number twelve, besides sub-tenants and cottars.

The lairds bore the common name of McHardy, whose several portions fell to the lot of the above mentioned John McHardy, and thereafter to his son, David, by a deed dated 14th March 1708.

There is quite a large parcel of papers regarding the proprietary rights of these McHardies containing writs of legal forms from 1708 to to 1726, among which we have the following deed, in consequence of the forfeiture of John, Earl of Mar, in 1715 :—

“INSTRUMENT OF SASINE in favour of Robert Farqson as heir of the said William Farqson of Ariachen (1632), his Great Grandfather, proceeding on a Precept of Clare Constat granted by James Erskine of Dun in his favor, dated the 13th of July and Regd. at Aberdeen 30th August 1726.”

The said Robert Farquharson of Achriachan disposes of these lands in favour of Alexander Farquharson of Monaltrie, by deed dated 10th May 1726, which is registered in the Books of Session 4th March 1737.

Preceding this Deed of Disposition there had been :—

“CHARTER OF RESIGNATION by the said James and David Erskine in favour of the said Alexander Farquharson, dated 4th March 1726,” and Sasine followed thereon.

Then we have a deed of some genealogical importance to the following effect :—

“DECREET OF DECLARATOR OF REDEMPTION OF THE WADSET above noted at the instance of the said Alexander Farquharson agt. the said John McHardy as apparent heir male to the said David McHardy his Father's cousin-Germain, Jean Jolly his Mother and Tutrix, and Isobell McHardy, sister and heir of line of the said David McHardy and her husband, dated 14th July 1737.”

John Farquharson of Invercauld having acquired by purchase from the representatives of the Earl of Mar, Lord Erskine and the Laird of

Dun, the superiority of these lands, it fell to him to confirm, or otherwise make arrangements between the McHardies, portioners of Crathie, and his brother, Alexander Farquharson who had acquired in 1702 the estate of Monaltrie by purchase from Charles Farquharson, the last of the old family of that name. Many documents relating to these arrangements are found among the Invercauld papers, but they are not of much public interest.

The final settlement was thus arranged by

"DISPOSITION by the said Alexander Farquharson to John Farquharson of Invercauld, his brother, of the said half davoch land of Crathie, dated the 8th day of August 1737 and Registered 6th April 1738."

It may be of some interest to observe that Robert Farquharson (son of Donald of Castleton), ancestor of the Finzean family, for some time resided, whether as proprietor, wadseter, or tenant, at Milltown or Kirkcoun of Crathie before he acquired the property of Finzean. He married Margaret, daughter of McIntosh of Glengairn.

The clachan of Milltown of Crathie was of old a place of much resort. There were there both a ferry and a ford over the Dee communicating with the south country by the Capel Pass and Glen-clova. It will be remembered that Montrose, in his memorable retreat through Angus to the north, crossed the river here 1st May 1645.

Long after his time refreshments could be had at the boathouse. In 1696 we learn from the Poll Book that there was a large population in the neighbourhood. In 1801 the mill had disappeared, although the name of Milltown still remained; and, though the ferry and ford had ceased to be used, the old boathouse continued to be frequented as an inn until about 1824. It was then abolished as a nuisance.

"A TACK of the Teinds of the half Davock Land of Crathie with the Pendicle called Tomyadow, extending to an Eight Oxgate Land, (was granted) by John Erskine of Marr and his son, To Mr Wm Farquharson of Achrieachan for twenty one times 19 years from Lambas 1632."

"INSTRUMENT OF RESIGNATION *adremanentiam* by Isobel McHardy in the hands of John Farquharson, dated and Registered at Edinburgh 6th of April 1738."

1685, are eight in number, many of which are long, and filled with the usual legal phraseology about bondages, servitudes, &c., in addition to money rents.

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"INSTRUMENT OF RESIGNATION *ad remanentiam* by Isobel McHardy in the hands of John Farquharson, dated and Registered at Edinburgh 6th of April 1738."

Besides the above, there are the following titles redeeming the Wadset from McHardy by Farquharson of Auchriachen's heir :—

"INSTRUMENT OF SASINE in favor of Robert Farquharson as heir of William Farquharson of Achriachen his Great Grandfather proceeding on a Precept of Clare Constat granted by James Erskine of Grange and David Erskine of Dun in his favor, dated the 13th of July and Regd. at Aberdeen 30th August 1726."

A tablet in the family vault in the churchyard of Kirkmichael bears the following inscription :—

"To preserve this burying ground and in pious regard to the memory of Finlay Farquharson of Achriachen, who possessed this place since 1569, son to Findlay Farquharson, Esq of Invercauld ; likewise William Farquharson who died anno 1719, aged 80 years, who was the 9th man of that family who possessed Achriachen."

From this branch of the clan are descended the Farquharsons of Allargue.

Achriachen, which for about 200 years was the inheritance of these Farquharsons, is now the property of the Duke of Gordon.

CULTS (CULSH).

This property, according to the Poll Book (p. 168), seems to have belonged at a former period to a Mr. Alexander Gordon, from whom it passed to the Earl of Mar as personal property, and to have been given by him at that date (1696) to a Findlay Farquharson, who is styled of Cults. From him it seems to have passed into the hands of William Rose Esq. of Ballivat, who disposed of it to William Farquharson Esq. of Monaltrie, in the year 1798. The document conveying it is curious as specifying minutely the feu and other duties and servitudes belonging to the estate. The statement of them may be interesting as showing both the privileges and bondages which were then enjoyed by, or exacted from the holders or tenants of these small Highland possessions, and is therefore here inserted :—

"FEUDUTY for Cults 50 merks Scots of old feuduty for Rlenbroich £8 6s. 8d. Scots of old feuduty. For Stranlea and pertinents, four merks and 2s. 3d. Scots of old feuduty, and £2 15s. 8d. Scots of additional feuduty as the converted value of the former personal

services; Extending in whole the said old and additional Feu-duties to £47 4s 7d Scots payable at Whits. and Martinmas, and doubling the said feuduty the first year of the entry of each heir to the said Lands—as also paying yearly 15 poultry fowls and winning and laying in yearly 25 loads of Peats to Marr Lodge, with one large carriage and of a horse yearly not exceeding 60 miles from Marr house as the same shall be required, or the sum of £3 Scots yearly, therefore for each load of coals 1s Scots. For Stranlea, paying yearly one poultry fowl and a proportional part of five loads of Peats effering to the said lands in proportion to the four oxgates of Rinabroich, and a like proportion of one long carriage, or 2s. Scots for each Poultry fowl, 1s. for each Load of Peats and £3 Scots for the long carriage. For the Mill of Stranlea etc, 4 merks 2s. 3d. Scots and 16s. Scots of additional feuduty in lieu of the clause *de non alienando*, Extending to £3 11s. 7d. Scots at Whitsunday and Martinmas, and doubling the same at the entry of each heir with one poultry fowl and a proportional part of five Loads of Peats effering as aforesaid, and the carriage of a horse as the same shall be required. For Rinloan, 4 Merks and 2s. 3d. Scots at Whitsunday and Martinmas and doubling the same at the entry of each heir with one poultry fowl with a proportional part of the said five Loads of Peats and a long carriage of a horse effering as aforesaid when the same shall be required, also sundry personal services which will now fall to be converted. Dated 5th March 1798.”

There follows:—

“INSTRUMENT OF SASINE of the said lands in favors of the said William Farquharson Esqr. proceeding upon the said Charter of Resignation, Dated 7th and recorded in the Particular Register of Sasines for the County of Aberdeen the 13th days of September. 1799.”

• This is followed by

“EXT. DISPOSITION by the said William Farquharson Esqr. In favours of James Farquharson Esqr. of Invercauld and the heirs of Entail succeeding to him in the Estate of Invercauld of All and Whole the Lands of Cults and also the Lands of Tombelly and Dalbedie containing Procuratory of Resignation and Precepts of Sasine, Dated 26 January 1803 and Recorded in the Sheriff Court Books of the County of Aberdeen the 13th March 1806.”

• Sasine followed 13th May 1806.

This property, as well as the others (on the south side of the Gairn) which constituted the Monafrie estate, was still held in liferent by the said William Farquharson, last laird thereof, till his death in 1828, and a portion of them by his widow till her decease in 1857.

DEE SALMON FISHINGS.

These papers relate to the interest the Invercauld family acquired in the fishings at or near the mouth of the river, and date back to the 6th day of October 1585. In that year there is :—

“An Heritable Charter of Alienation of the half netts Salmon Fishing with the profits, privileges, and pertinents thereof, made and granted by the Deceast William Menzies of Ferryhill, Burgess of Aberdeen, to the deceast Alexander Jyfy, Burgess of Aberdeen.”

This was followed by an Instrument of Resignation by Menzies in favour of Jeffrey; and a Charter of Confirmation was granted by the Provost, Baillies, Council, and Committee of Aberdeen in the following year (1586), of which Sasine was taken.

Then follows :—

“DISPOSITION AND RENN. of the Reversion of the said fishing made and granted by the said David Menzies to the said Alexander Jeffry, dated the 4th Feb. 1593.”

Proceeding on this, the Town Council of Aberdeen granted a “feu charter to Mr. Alexander Jeffry, son of the late Alexander Jeffry, dated 2nd September 1617,” and Precept of Sasine followed thereon.

We then have :—

“PRECEPT OF CLARE CONSTAT granted by the Provost and Baillies of Aberdeen to the said Alexander Jeffrey, Provost of the said Burgh, for Infesting him as heir male to the said Alexander Jeffrey, his father, in the foresaid fishing &c. of the date the penult day of May 1645.”

Sasine on which followed.

A Precept of Clare Constat, of date 13 Feb. 1674, Infesting Andrew Jeffrey to the right of these fishings is followed by Sasine same year. This Andrew Jeffrey conveys his rights to Mr. John Moir (of Stoneywood) in 1680, from whom they passed into the hands of Thomas Burnett and James Moir, and by them to John Gordon, in 1725.

There is then an “Inventory of Invercauld’s progress to his fishings on the water of Dee 1754” These refer to the net fishings. From another Inventory (1788) it appears that Invercauld’s interest in the salmon net fishings consisted of one-half of the whole net fishings on the Dee belonging to the Aberdeen Town Council.

From the terms of the above inventory of Invercauld's progress to his fishings, it is evident that the interest of the family in them began at or about the time (1645) when they were acquired by Alexander Jeffrey, Provost of Aberdeen, as Robert Farquharson of Wardes (and Invercauld) had then a tack of two nets' fishing from the Provost. It is not clear when or to whom Invercauld's rights were sold, but it may be assumed that it was not till some time after the date of the second inventory (1788) that they were alienated.

The following advertisement is instructive as showing what knowledge our forefathers had of the habits of salmon, and what they thought the best means of preventing their undue destruction. A kipper was a foul or spent fish—a kelt. The peculiar feature, however, is the close time—from the end of March to 10th May—now esteemed the best time in all the year for rod fishing on the Dee :—

"ADVERTISEMENT by the Honourable, the Sheriff and Magistrates of Aberdeen, Judges and Justices, appointed by Act of Parliament, upon the Rivers Dee and Don, and Grains thereof."

"Whereas there are diverse and sundry Laws and Acts of Parliament, made against slaying of Salmond, black or red Fish in forbidden Time, and against the killing, eating, receipting, and destroying of Kipper, Smolts, and Fry of Salmond at any Time, under the pain of fining, corporal punishment, Banishment, and being prosecuted as for Theft, and particularly, by the 86 Act, Par. 14 Ja. II. It is statute and ordained, "That no Man in Smolt time set Vessels, Creels, Weirs, or any other Engine to hinder smolts to go to the sea, under the Pain of Ten Pound, and that the Sheriff destroy the Engine." And suchlike, by the 37 Act of Ja. III. Par. 5, It is statute and ordained, "That all Engines that hinder the Multiplication of Fish, Salmond, Grises, and Trouts be destroyed, and who holds them up, shall be indited and punished by the King's Justice; and all Millers that slay Smolts with Creels, or any other manner of way, shall be punished by the King's Laws, and the Sheriff shall destroy all the Instruments. Moreover, by the 15 Act 2 Par. of Ja. IV. It is declared That the destroyer (sic) of red Fish and Fry of Fish, shall be a Point of Dittay. And the said Judges and Justices, taking to their serious consideration, how pernicious and destructive a Thing it is both to the Public and Private Interest of this Nation, to fish in Rivers with Rods, or any other Engine, whereby the Smolts and Fry of Salmond are caught and destroyed, and hindred from running to the sea in Smolt time, viz. from the End of March to the tenth Day of May. FOR REMID WHEREOF, the said Judges and Justices strictly prohibite and

discharge all Persons whatsoever, from fishing with any kind of Rods, Creels or any other Engines upon the said Waters of Dee and Don, and Grains thereof, or Burns running in thereto, from the end of March to the tenth Day of May yearly, in all Time coming, under the Pain of being punished as the Law directs; and they grant Warrant to their Officers and their Assistants, to seize all Rods, Creels, and other Engines, that shall be found employed in fishing, during the foresaid space, and to summond the Offenders to underly the Law for such crimes; and recommends to all Masters of Families, Schoolmasters, Teachers and Instructors of youth, Masters, and Tacksmen of Milns, that they take due care to prevent all those under their Inspection, from being guilty of, or accessory to the above Crimes, with Certification, that if they be found negligent of their Duty, they will be looked upon as Connivers with the Transgressors, and holden as art and part of these Crimes. And to the end none may pretend Ignorance, the said Judges and Justices appoint this present Advertisement to be read and published yearly by the last Sunday of March, by the Readers at the several Parish Kirks lying adjacent to the said Rivers of Dee and Don; certifying the Readers, if they neglect or refuse to publish the same yearly, they will be punished as Contemners of Public Authority.

"Given at Aberdeen, the 15 Day of March 1732 "William Forbes, Will. Smith, Baillie."

A curious appointment is thus docketed :—

* Warrant by the Sheriff and Magisterats of Abd. . To
pponisheing illegall fysheing on Dee or grains yrof wtin Crathie and Kindrocht 1706."

Then follows :—

"Wee Andrew ffraisir of Kinmundy, Sheriff deput of Aberdein and James Catanach, Baillie of Aberdein, Justices apoyanted by Act of Parliament for punishing illegall fysheing upon the waters of Dee and Done and graines therof, Doe hereby give full power and warrant to you, David Forsyth, in Kinaldy of Cromarr, to cist before us, the said Justices, all illegall fyshers of salmond, fry of salmond and black fish wtin ye paryshes of Crathie and Kindrochet To compear in Justice Courts to be holdin by us for that effere Att Aberdein, the day of next to come to underly the law at the instance of Mr. Alexr. Lesly Procr. fiscall to the said Justices for the sd. illegall fyshing, with Certification given Att Aberdein this threttenth day of December seven-teen hundred & six years

And. fraser
James Catanach "

David Forsyth seems to have been a sort of Sheriff's Officer, whose sphere of operations extended over the wide district specified. Although his name is not entered in the Poll Book for the Parish of Coldstone, compiled ten years previously, he was certainly a tenant of John Farquharson of Invercauld, to whom he most probably owed his appointment. It would appear that a special commission had to be issued to him before he was warranted to summon salmon poachers before the Justices, so slight was the offence considered in those days. More stringent measures were not long after adopted, as appears from the above cited advertisement, but the law was very little regarded, and the penalties seldom exacted till far within the present century, when the Statute 24 & 25 Vict. C. 97 put an effectual stop to any poaching out of season.

GLENGAIRN.

The properties mentioned under this heading do not include all the Invercauld lands in the valley so named, nor in the old parish. In both, several old properties appear under distinct headings. Those here embraced are situated in the middle and lower portions of the valley—that part locally particularized as Glengairn. The earliest connection of the Invercauld family with this district, noticed in these papers, is contained in a rather lengthy document regarding the property of Rinabrouch. It is to the following effect :—

"Be it known to all men by thir presents, Me Thomas Erskine *alias* McGregor of Rinabrouch, feuar of the lands and others undermentfoned &c &c Do therefore sell and dispose, and have hereby sold and disposed &c &c to Alexander Farquharson and Elizabeth Macintosh his spouse &c All and haill that four oxgates of the Lands of Rinabrouch &c."

The deed closes thus :—

"In virtue (witness) whereof, written by James Thomson, Notar public, I have subscribed these writs at the Kirk of Crathie by the hand of the said James Thomson, the seventeenth day of November one thousand six hundred and seventy five years. (17th Nov. 1675).

J. THOMSON &c

J. Farqyson, Witness,

Robt. F. Witness,

Farqyson Witness,

Alexr. Davidson Witness,"

Thomas Erskine was an assumed name. He was really a McGregor, one of several of his clan who had got possessions in Glengairn during the Civil wars; but the name, McGregor, being proscribed, those of them holding lands generally adopted the surname of their superior, hence Erskine, as Rinabrouch was held under the Earl of Mar. McGregor could not write, but held a written charter from the Earl of Mar, with Sasine following, of the Lands of "Rhinabroth" of date 1633, both of which are preserved among the Invercauld papers.

Alexander Farquharson and Elizabeth Macintosh were the Laird and Lady of Invercauld, the parents of JOHN, who held the estate for 56 years, and was out under the Earl of Mar in the '15.

In the Poll Book (1696) the valuation of the Laird of Invercauld within the parish of Glengairn is stated at £66, and is limited to this single holding of "Rinabrught," one of the four tenants on which was a John McGrigor.

Rinabrouch is situated on the south, or right bank of the Gairn, about 4 miles above Ballater. It consists of a stretch of haugh land along the river, shut in on the south by a very steep bank or brae, from which it takes its name, which signifies the *land beside, or of the steep bank*.

The lands in this valley subsequently acquired by Invercauld were mostly those previously possessed by the Irvines of Drum, and those forfeited in consequence of the participation of their owners in the Jacobite risings of 1715 and 1745. The following extracts will sufficiently illustrate the manner in which these possessions passed from one proprietor to another:—

"DISPOSITION by William, Lord Braco, to the said Alexander Stewart and his heirs and Assignees whatever whereby for the sum of £1733 6s. 8d. Scots, His Lordship Sells and in Wadsett disposes to the said Alexander Stewart All and Whole the following parts and portions of the lands and Lordship of Balviny, viz The lands of Easter Caldwell as possessed by Thomas Grant of Auchayninee and his tenants, and as the same are specified and Contained in his and his Author's Feu Charters and Infefments thereof, comprehending the mains of Easter Guildwell, Tombreck, Windiehilloch, Claypotts, Belnacoill and Town lands of Tanzie, with the whole other parts and pendicles of the said lands of Easter Gaudwell of whatever name or designation the same

may bear, and whole houses, biggings, mosses, muirs, parts, pendicles and pertinents thereof and Teinds of the same, lying in the Parish of Boharam and Sheriffdom of Banff—And All and Whole these other parts and portions of the said lands and Lordships of Balvenie called the lands of Newton as the same were possessed by the deceast Thomas Law of Newton and as they were contained and specified in his and his author's Feu Charters and Infestments of the same, comprehending the Mains of Newton, Shaddawside thereof, the town and lands of Blackfold, Steelbow, Little Newton, Kirklands, and Bracohead, Overtown, Belnagarro, Bellnellan with the whole other parts and pendicles of the said lands of Newton falling under and contained in the said Feu Charters and Infestments and Teinds of the same, all lying in the said Parish of Boharm and Shire of Banff redeemable as therein mentioned, which Disposition is dated 17th Feb 1753."

Following on this, a month later, there is recorded :—

"CHARTER OF RESIGNATION, under the Seal used in Scotland, in place of the Great Seal, in favors of the said Alexander Stewart the lands, teinds and others specified in the last mentioned Disposition dated the 17th Feby. and written to the Seal and Sealed the 23rd March, all in the year 1753."

Sasine followed thereon.

This Alexander Stuart would appear to have been an administrator of this and other properties under the Earl of Fife, and, in the arrangement thus come to, he continued so to act till 1769, when we find :—

"DISPOSITION by the said Alexander Stewart Esqr. in favor of William Rose, Factor to the Right Honble. James, Earl of Fife, his heirs and Assignees of All and Whole the foresaid land of Gauldwell and Newton in Banffshire and Rinabroch, Inverenzie, and Culsh in Aberdeenshire, dated the 23rd Oct 1769."

Of the same date in that year we have :—

"PROROGATION by James, Earl of Fife, heir general and of Tulzie of William Earl of Fife, his father, to the said William Rose during his life and till the first term of Whitsunday after his death, of the Right of redemption of the foresaid Wadsets conceived in favor of the said Alexander Stewart, Esqr. over Gauldwell and Newton in Banffshire, and Rinabroch, Inverenzie, and Culsh in Aberdeenshire."

William Rose thereafter obtained a Crown Charter on these lands, with their pertinents, dated 16th August 1770, and Sasine followed,

There is then recorded :—

"PROROGATION OF RESIGNATION by the said William Rose with the consent of the said James, Earl of Fife, and Alexand Stewart, of the aforesaid lands in Aberdeenshire and Teinds thereof in favors of the said William Rose his heirs and Assignees under Redemption, dated 3rd July 1772 ;" and a charter to the same effect follows 26th August 1772, and Sasine is made thereon.

The lands continued under this tenure till 1790, when we have :—

"DISPOSITION, HOMOLOGATION, AND DISCHARGE by the Right Honble. James, Earl of Fife, To and in favor of the said Wm. Rose of the Right of Redemption or Reversion of the Wadsetts of the foresaid lands which is dated the 7th and Regd. at Aberdeen in the Partl. Register of Sasine the 10th and at Edinburgh in the General Register the 28th day of August 1790."

Rose seems to have got into pecuniary difficulties ; for, after some processes at law during the year 1794, he grants Disposition to Captain Alexander Rose of the 20th Regt. of foot, in Liferent of all these Glen-gairn properties with their pertinents, dated the 1st day of May 1801 years, and Sasine followed.

A few years after, there is a Trust Disposition by the said William Rose in favor of Mrs. Rose, James Rose Innes, and William Gordon Esquires, dated 5th July 1805.

Then there is a Decree Absolvitor and for Expenses at the instance of the Trustees of the late William Rose (who seems to have died in the previous year) against the Trustees of the late Earl of Fife, dated 4th February 1806. These Trustees then "Disposed of these Estates in favour of Francis Garden Esqr, Junr of Troup, and their superiority in Deeds dated 22nd 24th and 30th January and 6th February 1811."

Then follows :—

"DISPOSITION AND ASSIGNATION by the said Francis Garden to Mrs. Farquharson of Invercauld, dated 24th and 30th January and 6th Feb. 1811."

All these deeds are in the repositories at Invercauld.

The common account is that Francis Garden, yor. of Troup, held these lands under lease or wadset during the whole time (1801-1811) they were in the hands of the Trustees of the Earl of Fife ; that he

built a shooting lodge, long named after him, Garden Shiel—now, Gairn Shiel; and that he annually spent much of the sporting season there.

From the dates of the later documents it is evident that Mr. Garden only acquired legal possession in order to transmit his rights to Mrs. Farquharson of Invercauld.

INVERCAULD.

Originally the Barony of Invercauld was not of large extent. The object of the great feudal lords was to attach to their service as many dependants as possible. They accordingly portioned out their immense estates to their kinsmen and influential followers in small holdings, that they might thus be enabled to endow or reward the greater number. The Earls of Mar adopted this plan in their gifts of land, bestowing them not by written charters, but according to old Highland custom, by oral declaration in the presence of an assembly of the clan convened for the purpose, generally at the Superior's court or at the parish kirk.

Finla Mor, born 1487, and possibly his father before him in right of his wife, held Invercauld under this tenure. The universal tradition of all branches of the Farquharson clan is that the previous holders of the property was a family of the name of Stewart, somehow related to the House of Mar, and by consequence to the Royal Family of the time of Robert III.¹

The head of the family of Stewart of Invercauld, at the beginning of the 16th century, was baillie over the Earl's lands in Braemar, in which office he was succeeded by his grandson, Finla Mor. When the Earl of Huntly, as representing the Crown, into whose hands the Earldom of Mar had fallen, became administrator of its immense revenues, he continued Finla in his office. Such is the traditionary account of the accession of the Farquharson family to Invercauld. If it fell out so, it explains the circumstance of Finla Mor's being selected to carry the Royal Standard at the battle of Pinkie. He did so not merely on account of his great stature and bravery, but in right of being

¹ It was a current belief in Braemar half a century ago that a family of Stewarts, then residing there, could trace their descent from the "Wolf of Badenoch," the brother of Robert III. and the father of Alexander Stewart, the hero of Harlaw (1411), and the first Earl of Mar of the Stewart name.

Huntly's representative in the Highlands. His infeftment into this office and in the barony of Invercauld may therefore be approximately stated as at 1530 A.D. The extent of the barony at that date would probably be the same as that defined in the charter of the Earldom of Mar granted by Queen Mary to her brother, the Regent Moray, in 1564, the dues from which were as follows :—

“ Terras de Invercald extendentes annuatim ad quinque libras firme, dimidium partem marte, duos mutones, sex lie reik hennis, vnam bollam avenarum, pro areagiis et careagiis viginti duos solidos sex denarios, et in quinquenio decem libras graasume.” •

It may be of interest to note that in this charter there are no fewer than 17 distinct properties or lairdships specified in the parish of Kindrochet or Braemar, and the same number in the parish of Strathdee or Crathie.

Next year (1565) Queen Mary bestowed the Earldom on the rightful heir, John, 5th Lord Erskine, whose family had been unjustly deprived of it for the long space of 130 years.

This Earl, the most distinguished of his line, had been educated at Court, where he was the playfellow and bosom companion of King James VI., who was wont in after years familiarly to address him as “Dear Jock.” He was a man of high culture, and for a time Regent of the kingdom. He it was who first recognised the justice of granting legal charters over his Highland fiefs; and in 1632, two years before his death, he caused some of these to be issued to his tenants in Braemar. The earliest in date is that to John of Invercauld, the grandson of Finla Mor. The deeds granted at this time, with their seals attached, are preserved in the charter chest at Invercauld. As entered in the “Book of Inventories,” they are thus described :—

1st “CONTRACT between the Earl of Mar, with consent of his son, and John Farquharson of Invercauld, whereby the Earl Binds himself to Sell to John Farquharson that Davock and half davock of land in the Brae of Mar called Invercauld, comprehending the lands of Binnich, Invercanlish, and others, with the Glens of Glencalater, Glenboig (Glenbeg) with the Teinds of the same. Dated 27th August 1632.”

2nd “CHARTER by the said Earl and his son to the said John Farquharson in terms of the said Contract of the said lands and others, dated said 27th August 1632.”

3rd "INSTRUMENT OF SASINE in favour of the said John Farquharson, proceeding on the said Charter, dated the 6th of October 1632."

4th "TACK OF THE TEINDS of the said lands by the said Earl and his son to the said John Farquharson for 21 times 19 years from Lambas 1632, dated 22nd August 1632."

The granting of these charters caused no little stir among the small Highland lairds. Those who had received them questioned the privileges claimed by those who had not, while they in their turn disputed the validity of the "sheep-skin writs," as they contemptuously termed the charters. Marches and privileges of grazing were the most frequent sources of strife. John Farquharson of Invercauld and his son, Robert, had their own share of these troubles, as several papers show.

JOHN died in 1632, or early in 1633.

By the wise and enlightened policy pursued by his successor, ROBERT, the family estate was greatly enlarged. (*See the papers on Aberarder, Wardhouse, &c.*) He held the estates during the troublous times of the Civil War, but took no active part in it. (*See Genealogical and Family papers.*)

He died in 1654, and was succeeded by his eldest son, ROBERT, the third of that name (since the death of Finla Mor) who had been laird of Invercauld. Dying without issue in 1666, he was succeeded by his brother, ALEXANDER, whose tenure of the property was a somewhat eventful one for the family.

The first document relating to him among the estate papers is thus recorded :—

"PRECEPT OF CLARE CONSTAT from the Earl of Mar and his son in favour of Alexander Farquharson, Grandson of the said John Farquharson for infesting him in the said lands and others, dated 30th March 1667."

That is followed by :— •

• "INSTRUMENT OF SASINE thereon in favour of the said Alexander Farquharson, dated 3rd April 1667,"

Wherein is specified at much length the several properties then constituting the estate of Invercauld, which was soon to be augmented by :—

"DISPOSITION by Lord Mar to the said Alexander Farquharson of the pendicle called Altivairst, dated 2d September 1676 ;"

As also by :-

"DISPOSITION from Lord Mar to the said Alexander Farquharson of the Woods of Invercauld, dated 21st September 1676."

Alexander died in 1681.

The Earl of Mar, in whose eyes Alexander Farquharson had found such favour, was Charles, tenth Lord Erskine, who had a difficult part to act in the rising of 1689.

During the long minority of 13 years, which followed on the death of Alexander in 1681, the estate, through the trust management of the dowager lady and her father, McIntosh of McIntosh, underwent several important modifications. The low country estate of Wardhouse was sold, while some other small properties were acquired.

Alexander was succeeded by his eldest son, WILLIAM, who had little more than attained his majority when he died, unmarried, in 1694, and was succeeded by his brother, JOHN, then in his 21st year, and married.—(*See Genealogy.*)

Negotiations had, during William's brief tenure, been entered into for the purchase of the two baronies of Kinaldie and Melgum, but had not been completed. The final arrangements for the purchase, and several important estate and family matters, claimed his attention in the early years of his occupancy, and gave him much useful experience in both public and private affairs—an experience that stood him in good stead in his subsequent eventful career. These matters will be noticed under the section treating of the family papers.

He had been but two years in possession when the valued rental of properties, for the purpose of taxation, now known as the Poll Book (1696), was made up. It may therefore be of some interest, in default of an extant rent roll of the period, to take an estimate of the Invercauld estate as there set forth. Of course such an estimate is exclusive of the large properties held by the family in Perthshire.

PARISH OF KINDROCHET (BRAEMAR).

"THE VALUATION of the said parochin is ... £1615 3 4

"THE LAIRD OF INVERCAULD, as greatest heretor in the said parochin of Kindrochet, his valuation is ... £333 6 8."

Or about one-fifth part of the whole.

The separate holdings, which were clachans or hamlets with a very considerable population in each, were — Ellenmorre, Auchinstrine, Tanrich, Invercauld, Bellach, Killoch, Achighouse, and Dellfork. There were at this time within the parish no fewer than 12 proprietors, or portioners of lands.

PARISH OF CRATHIE.

"THE VALUATION of the said parochie is ... £1932 13 4

"THE LAIRD OF INVERCAULD, being the greatest heretor, his valuation within the said paroch is £230 13 4"

Or little more than one-ninth of the whole.

The Commissioners do not specify the particular holdings, but it is not difficult to discover that they were principally five in number, and were situated mostly in the valley of Aberarder, with oxgates and pendicles in Lawsie and Craichenaird. The number of separate proprietors was ten, some of them only portioners of properties.

PARISH OF GLENGAIRN.

"THE VALUATION of the said pariochin is ... £985 0 0.

"THE LAIRD OF INVERCAULD his valuation in the said pariochin is ... £66 0 0."

The property is Rinabught. (*See Glengairn.*) There were in all eight proprietors in this parish.

PARISH OF COLDSTONE.

"THE VALUATION of the whole parochin is ... £1573 0 0.

"THE LAIRD OF INVERCAULD, being the greatest heretore in the said pariochin, his valuation is £1250 0 0,"

or nearly four-fifths of the whole parish, which numbered only five proprietors. The individual townships belonging to Invercauld will be noticed under the headings of Coldstone, Kinaldie, and Melgum.

The total annual rental of the Invercauld estates in Aberdeenshire, according to this valuation, afterwards known as the "old Valued Rental of 1696," amounted to £1880, to which falls to be added the rental of the Perthshire estates, the amount of which at this date has not been ascertained, but which by an estimate made a century later (1794) realised between £600 and £700.—(*See Old Statistical Account.*)

The acquisitions made to the family estates by John Farquharson and his son, James, during their long tenure (1694-1805) fall to be noticed under their respective headings, and may be omitted here.

DEEDS OF ENTAIL

"DESCRIPTION OF LANDS

Composing

The Estate of Invercauld

Taken from the Deeds of Entail executed by the late James Farquharson Esq. in 1788 and 1803. and from other authentic Titles.—October 1811.

INVERCAULD.

"All and whole the Lands and Barony of Invercauld comprehending therein the particular Lands, Teinds, free forrestries, mills, woods, fishings, and others after specified, vizt. All and whole that Davock and half Davock of Land in the Brae of Marr called Invercauld within all the Bounds meiths and marches thereof, comprehending therein the lands and others particularly after specified, vizt. All and whole the Lands of Binnuich, Inverchanlick, Allanmore, Cluny, Dalchork, Torinveck, the mill and town of Invercauld, with the mill, milllands, multures, and sequels thereof, the Lands of Auchinskeach, Lainvalluk, Killoch, Invercauld, Auchidiness, and Altavaid with the manor place of Invercauld, Together with the Glens of Callater, Glenbeg, Corryvoûe, Glenbrownie north side of the water of Badack, Glencanlick and shealings upon the water of Gairnbe-west, Auldpheubel, and others belonging to the said Davock and half Davock Land. Together also with the Teinds both parsonage and vicarage of the said whole lands

with the pertinents. As also that part of the Forest of Marr called Beachan marched on the west as wind and weather shears with Altinabin, and from thence in a direct line to the top of Carndrochet as the same was cairned and marched with John and Joseph Farquharson of Allanquoich, and on the north as wind and water shears, with Glenavin, and on the East and South, with the sources of the water of Gairn and Glenanlick belonging to me, all lying in the Parish of Kindrochet and Sherifffdom of Aberdeen, which lands above mentioned are parts and poudicles of the lands of Braemar”

The following is a list of old properties constituting the Invercauld estate as existing in the year 1811 :—

“LIST OF OLD INVENTORIES:—

I.—LANDS HOLDING OF THE CROWN :

- | | |
|-----------------------------------|--|
| 1 Invercauld, | 10 Cronacherrie, &c. (Perthshire), |
| 2 Aberarder, | 11 Pittentaggart, or Migvie Kirklands, |
| 3 Bellemoir, | 12 Kinaldie, |
| 4 Castletoun and Glen of Baddoch, | 13 Melgum, |
| 5 Crathie, | 14 Coldstone, |
| 6 Lawsee, | 15 Kinloch (Marlee), Perthshire, |
| 7 Wester Micras and Torragalter, | 16 Lundeath, „ |
| 8 Rashar Karrie (Perthshire), | 17 Roquhalloch (Rochoilly), |
| 9 Upper and Nether Spittals, &c. | Perthshire, |
| (Perthshire), | 18 Soleries, „ |

II.—LANDS HOLDING OF THE DUKE OF GORDON :

- | | |
|-------------------------------|-----------------------------|
| 1 Aucholzies, &c., Glenmuick, | 2 Breichly, &c., Glenmuick. |
|-------------------------------|-----------------------------|

III.—LANDS HOLDING OF THE DUKE OF ATHOLE :

- | | |
|----------------------------|---------------------------|
| 1 Binzeanmore, Perthshire, | 3 Corrivoich, Perthshire. |
| 2 Reinakechra, „ | |

IV. LANDS HOLDING OF LORD FIFE :

- | | |
|--------------------------------|---------------------------------|
| 1 Wester Micras, | 6 Achalater, Erskine's Portion, |
| 2 Easter Micras, | 7 Easter Migvie (Cromar), |
| 3 Tullochcoy, | 8 Cults, &c. (Glengairn), |
| 4 Coldrach (Camusnakist), | 9 Dalbeddie (Dalbagie), |
| 5 Achalater, Grewar's Portion. | 10 Tombelly (Balgairn). |

V.—LANDS HOLDING NOW OR FORMERLY OF NAUGHTEN :

1 Isle of Drummy, Perthshire.

VI.—LANDS HOLDING NOW OR FORMERLY OF GENERAL GRAHAM
OF BALGOWAN :

1 Wester Miltoun of Maws and

3 Cammis and Thomb (Perthshire).

- Pickstone (Perthshire),

4 Lands of Cuthills (Perthshire)."

2 Cairnbutts,

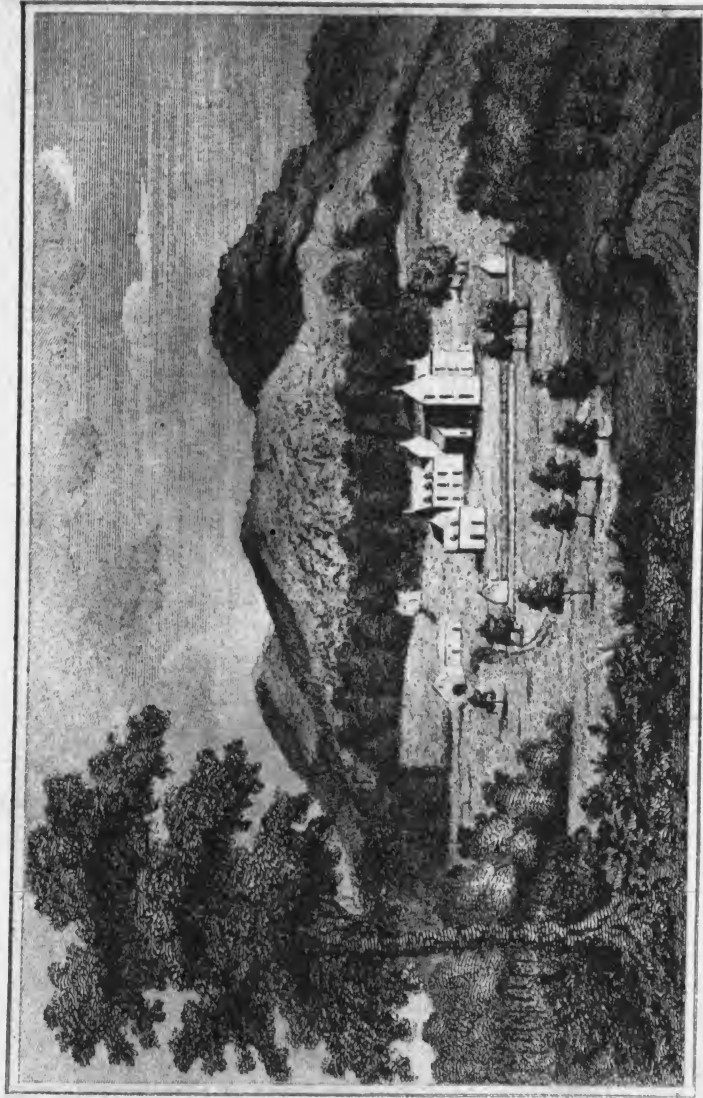
,,

MANOR HOUSE.

The "House of Invercauld," as it was wont to be called, is of considerable antiquity. There is some reason to believe that there was a mansion, if not a stronghold, long before we have any written records of it. What form the mansion presented when it first became a residential place of consequence, it would be impossible now to conjecture; but judging from the character of the masonry of the oldest portion now extant, the walls of which are from 5ft. to 7ft. in thickness, and comparing them with those of the basement walls of Braemar Castle, there are good grounds for holding that both belong to the same period, and probably the two structures were originally of the same style of architecture, and very different in each case from what they are now. The most probable era to assign to both is the reign of James IV. (1488-1513), or perhaps somewhat earlier.

Whatever may have been the extent or style of the house at the death of Finla Mor (1547), it is probable that it underwent little change during the next century. It was not a time when much attention was paid, especially in the Highlands, to architecture of any kind. The receipt of written charters (1632), as conferring greater security, may have disposed the holders to provide more comfortable residences; but there is no record of any change on, or addition to, the House of Invercauld till the estate was several years in the peaceful and prosperous possession of Alexander Farquharson. In 1679 measures were taken for what would appear to have been large additions to the mansion.

At Overhall, the residence of his brother-in-law, the Laird of Invercauld met the offerers for the work; and there is still extant :—



*Invercauld House from S.W. in 1784.
From a contemporary print.*



"CONTRACT, dated att Overhall 13th March, 1679, between Alexander Farquharson of Invercald, and William and Francis Gordon, masons at Nethermill of Alford, for Buildings at Invercald, according to plans submitted to them."

Had the plans been preserved a pretty correct judgment might be formed of the extent of the mansion when completed. The circumstances of the family during the 20 years that followed the death of Alexander (1681) did not require, or offer facilities for, further extension ; but it may be supposed that when such an enterprising and capable man as his son, John, came into possession of the estates, he would, after settling many difficult family matters, turn his attention to his home comforts. At least we know that, when the Earl of Mar in 1715 came north to levy an army for the restoration of the Stuarts, he found Invercauld the most commodious and suitable place for his residence, and accordingly took up his abode there.

The anonymous author of the "View of the Diocese of Aberdeen" (Spalding Club Ant. Vol. I., pp.642-643) writes under date 1732 :—

"INVERCAULD, *considerably adorned of late with new buildings*, and surrounded with a birch wood, is the seat of the chief of the Farquharsons (who abound in these two parishes)."

Of the old Castle of Kindrocht the same author writes :—

"THE KING'S CASTLE OF KINDROCHT, now ruinous, (is) said to have been built by King Malcolm III., and to have been inhabited (as well as Kildrummy) by the Earls of Mar, of the Royal family, of which race of Stuarts there are some few families here yet remaining."

He also adds :—

"THE DUKE'S CASTLE (Braemar Castle) at the church, (was) built by (John) Earl of Mar, grandfather to the present John, Duke of Mar. The English kept a garrison here, under Cromwel ; but the castle itself was burnt by the Revolution army."

It is perhaps unnecessary to explain that the Duke, who is said to own the Castle, was the rebel Earl of Mar, not the Duke of Brunswick, as the writer in a previous paragraph styles King George. But, truth to tell, the Castle at that date belonged to neither King, Duke, nor Earl, but to Mr. Farquharson of Invercauld, he having bought it the previous year from Lord Grange and the Laird of Dun, who had acquired the Earl of Mar's forfeited lands and rights.

The adornment to which the writer refers cannot mean the buildings added by Alexander, for that took place not *lately*, but fifty years before.

It is probable the recent improvement on the mansion was effected after, and perhaps in consequence of the birth of John Farquharson's son and heir in 1722. When that son succeeded his father in 1750, neither the taste nor the means were wanting to make the House of Invercauld a suitable residence for the proprietor of one of the largest estates in the Highlands. Accordingly, in the course of his long lifetime, many additions and improvements were made, resulting in the mansion as represented in the illustration, p. 74.

KINALDIE.

The earliest notice of these lands is in a service of John Forbes as heir in special to his father, Alexander Forbes of Kinaldie, in the lands and Barony thereof, dated 30th April 1505, a Sasine whereof is recorded 20th May following.

A CHARTER OF CONFIRMATION, under the Great Seal, is granted by John Forbes of Pitsligo of these lands in favour of his son, Henry.

Another CHARTER OF CONFIRMATION, under the Great Seal, of the above charter is granted in favour of his son, William, dated 24th July 1548.

The next we have is more than a century later :—

“CONTRACT OF SALE between Alexander, Lord Forbes, and Alexander Forbes of Boyndlie, of the lands and Baroney of Kinaldie, dated 30th Nov. 1655.”

Sasine thereon follows, 17th July 1656.

“CHARTER OF RESIGNATION, under the Great Seal, in favour of the said Alexander Forbes of Boyndlie, proceeding on the Procuratory contained in the Disposition from Lord Forbes, and erecting the Lands of Kinaldie, Melgum, and Grodies, and Patronage of Coldstone Kirk into a Baroney, dated 15th August 1664.”

This arrangement seems to have been made in 1656, although it did not take effect till 1664, in which year the said Alexander Forbes was legally infefted in the lands.

IN A RETOUR OF SPECIAL SERVICE, Henry Forbes, as heir to his father, Alexander, is invested in these lands. The Retour is dated 25th November 1681.

Proceeding on this Retour, the said Henry Forbes is by PRECEPT FROM CHANCERY served heir to his father, and Sasine follows thereon.

Then we have :—

“DISPOSITION from the said Henry Forbes to James Forbes of Kinaldie of the Baroney of Kinaldie, exclusive of Melgum which had previously been conveyed to Henry Elphstone (sic), dated 26th March 1692.”

This Disposition to Henry Elphinstone was given under a mistake, and gave rise to much trouble. •

On this matter there is this note :—

•
“William Farquharson of Invercauld acquired right to a number of Adjudications laid against Henry Forbes of Boyndlie, affecting the Baroney of Kinaldie, etc, and it appears from the Scroll of a Bond for part of the Price of Kinaldie that Henry Forbes had afterwards Disposed these lands to John Farquharson of Invercauld by a DISPOSITION, dated 19th May 1694.”

John Farquharson is this year (1694) served heir to his late brother, William, and has a long and eventful possession of the Invercauld estates.

One of the first complicated questions he had to dispose of was this in regard to the difficulty occasioned by Henry Forbes granting two Dispositions of the same lands to different persons.

In order to settle this troublesome matter, John Farquharson of Invercauld drew up an

“INSTRUMENT OF RESIGNATION in favor of himself of All and Whole the lands of Kinaldie, Superiorities of Groddies, Patronage of Coldstone, the lands of Coldstone, and Baroney of Melgum, proceeding on the Procuratories in the Dispositions from the said Henry Forbes and Henry Elphinstone, dated 19th July 1695.”

This Instrument of Resignation was followed by :—

A CHARTER, under the Great Seal, in favour of the said John Farquharson, dated 26th July 1695.

In order to pave the way for this charter there had been :—

“COM'ISSIONE FFOR TAKING THE
JUDICEALL RATIFICATION AND RENUNCIATION
OFF

MARY ELPHINSTONE

IN FAVOUR OF

WILLIAM FARQUHARSON OF INVERCAULD 1694.”

This is a very lengthy legal document granted by “Andrew Fraser of Kinmundy, Sheriff Deput of Aberdeen, and Thomas Hay, Sheriff Clerk of the said shire,” containing the above Ratification and Renunciation. The lands with their privileges and perquisites, so renounced in favour of Invercauld, are those of Kinaldy, Coldstone, Newton, in brief, those known as the Western Barony, with the superiority of the Groddies. The disposer is designed “Mary Elphinston, relict of the deceast Alexander Forbes of Boyndlie, now spous of James Elphinston of Glack.” The document contains the signatures of Andrew Fraser and Thomas Hay, and of the witnesses, John Anderson and Alexander Thomson, Advocates in Aberdeen, and is dated 13th day of January 1694.

In connection with the early management of these properties the following case at law may be noticed:—

“Horn : & Poynd :

Farquharson,

Agst.

Bannarman &c”

This case, which shows the difficulties landlords often experienced in negotiating the sale of the produce of their estates, is recorded at great length in several documents, all much torn, evidently from frequent handling.

After passing through the inferior courts of law the case came before the Lords of Session on the petition of the pursuer. It is thus set forth:—

“ANNE, by the grace of God &c

“FORASMUCHAS. It is &c by our Lovt John Farquharson of Invercauld that where by contract past betwixt Roderick Forbes of Brux, as having warrand from said Complainer conform to Commission

dated 27th day of November 1707, on the ane pairt, and Alexander Bannarman and William Gibson, maltmen in Aberdeen, on the other pairt, of the date the 10th day of February 1708. The said Roderick Forbes, as having warrant from the said Complainer, Sold to the said Alexr. Bannarman and William Gibson forty bolls bear, good and sufficient merchant stuff of the growth of the sd Complainer his lands of Pittalachie, cropt 1707 years, and oblidged him, the sd Complainer, should deliver the same to the sd. Alexander Bannarman and William Gibson at the burgh of Aberdeen betwixt and the last day of May 1708 years under the failzie of ten shillings Scots for each undelivered boll. For, which cause the said Alexr. Bannarman and William Gibson band and oblidged them conjointly and severally, their aires &c to content and pay to the sd Com'lr, his aires &c Seven Merks Scots for each boll of the forsaid bear that should be so delivered to them, and that at Lambass then next coming 1708 years with the fifth part of the said pryce of liquidate expenses in caice of failzie, Together with the ordinar at rent (interest) of the sd principal soume ay and so long as the soume should remain unpaid after the said term of payment above written, as the contract &c registrat in the Court Books of Aberdeen, and ane Decreet of the Commssrs thereof interponed thereto upon the 3d day of Jany. last bypast, containing ane precept in the end thereof, and charge given be virtue of the same, shown to the Lords of our Council and Session, has testified. Which charge the said Alexander Bannarman and William Gibson refuse to obey without they be compelled.

“OUR WILL THEREFORE IS &C.”

Then follows the usual form of putting to the horn and the consequences of disobedience unless all was fulfilled according to contract with ten days.

“Given under our signett at Edinburgh, 18th March 1709, (in the usual form).

(Signed) CHA: FARQRSON.

Written by JOHN GORDON.”

The next document in the case is styled :—

“Caption—

Farquharson

. Agst.

Bannarman &c,”

And sets forth as follows :—

“ANNE By the grace of God &c

“FORASMUCHAS upon the 18th day of Aprile instent Alexander Bannarman and William Gibson, maltmen in Aberdeen, were orderly

denounced Rebels and put to the horn be virtue of letters of horning purchast against them by the complainers' instance for not payment making to them of the Soume of Seven Merks Scots for each boll of fourtie bolls of bear with the fifth part &c according to contract registrat &c and testified by our letters of horning and precept attached thereto. At the process of which horning the sd Alexander Bannarman and William Gibson, rebels forsaide, lyes and abydes unrelaxed therfrae and takeing no fear nor regard thereof, bauldly haunts, frequents, resorts, and repairs to Kirk, Mercate and other publick and private places within the north part of our united Kingdom of Great Brittain called Scotland as if they were our free lieges therein in high contempt of us, our authoritie, and laws, and in evill example to others to commit the like in time coming to the sd complainers' heavy damage, skaith, and prejudice without we and the saids Lords of our Councill and Session provide remede thereto in manner and to the effect underwritten as is Alleadged.

"OUR WILL IS THEREFORE and we charge you straitly &c Sheriffs Deputes, Baillies &c &c to pass search, seek, take, and apprehend the sd Alexander Bannarman and William Gibson, rebels forsaide, wherever they are or can be apprehended within the bounds of their respective offices and jurisdictions, and being apprehended therein to putt, keep, withhold and detain them in sure warde, firmanee and captivitie within our tolbooth and others our warding places, therein to remain upon their own proper charges and expense ay and while they have fulfilled to the sd complainers the command and charge of our forsd other letters and be orderly relaxed from the process of our horning as writd therein contained. And if need beis that ye make steicket and lockfast doors, henges and gates open and patent and use our keys thereto for said effect within three dayes next after they be charged by you thereto under the pain of rebellion and putting them to our horn with certification to them if they failzee therein within sd three days being bypast that our laws will be direct chargeing them thereto simpliciter, and if thir our letters be put in Execution within our Burgh of Edinburgh that the concurrence of the Magistrates thereof be craved and had thereto. ACCORDING to Justice Because the Lords have seen the regstrat horning &c. Given under our Signett At Edinburgh the 19th day of Aprile, and of our reign the 8th year, 1709. Ex delib. &c

"CHA: FARQRSON

"Written be Petter Gordon, my Secr."

The lands of Melgum followed almost *pari passu* the same fortune as those of Kinaldie.

In Lumsden's "Family of Forbes" the estate of Kinaldie is called

Pittallachie, which seems to have been the older name and where the mansion house was situated, the ruins of which may still be traced.

The old family, now represented by the house of Boyndlie, can trace their origin backwards to "Sir John Forbes with the black lipp."

LAWSIE.

The first document in regard to this small property is

"AN INSTRUMENT OF SASINE in favour of James Farquharson of Carlaroch (Coldrach) of $3\frac{1}{2}$ oxgates of the lands of Lawsee, dated 10th October 1632 and Registered at Aberdeen the 22nd of the same month."

"A PRECEPT OF CLARE CONSTAT by John, Earl of Mar, and his son for infesting William Farquharson as heir to James Farquharson, his father, in $3\frac{1}{2}$ oxgates of Lands of Lawsee (is) recorded, but without date."

"AN INSTRUMENT OF SASINE (is) recorded in favour of Robert Farquharson of Tomintowill (in Braemar)² on the Feu Charter from the Earl of Mar and his son in $3\frac{1}{2}$ oxgates of the Lands of Lawsee, Dated 10th, and Registered at Aberdeen, 22nd October 1632."

"A PRECEPT OF CLARE CONSTAT by Charles, Earl of Mar, in favour of Margaret, Isobel, and Anna Farquharsons for infesting them as heirs of the said Robert Farquharson, their father, (is) dated 20th March 1676."

Then follows :—

"DISPOSITION by the said Isobel, Margaret, and Anna Farquharsons of the $3\frac{1}{2}$ oxgates of the Land of Lawsee to Alexander Farquharson of Invercauld, dated 21st Feby. 1677."

Another portion of the lands of Lawsie was at this time disposed of as follows :—

1 If this is the ancient spelling the derivation would appear to be from *Cor n' lairich*, the Mares' Corrie, i.e., where the mares with their foals were pastured. The name may, however, refer to a holding higher up on the Clunie, the grazing of which was at one time attached to the property of Coldrach.

2 Robert Farquharson had succeeded to the property of Coldrach. His paternal property of Tomintoul was situated high up on the shoulder of the hill of Morrone; and is said to be the highest cultivated land in Scotland. The name probably means *the height from which a good view is to be got*; and it well deserves the appellation.

"DISPOSITION from James Stewart, portioner of Lawsee, to Alexander Farquharson of Invercauld, of 3 oxgates of land of Lawsee, dated 24th February 1677."

This James Farquharson, 1st of Coldrach, who acquired this portion of Lawsie was grandson of Donald of Castleton, afterwards of Monaltrie; and his Lawsie property henceforth formed part of the Monaltrie estate. The Poll Book (1696) gives a third portion of the lands of Lawsie to a Donald Symond, at a valuation of £36.

He, or his son, seems to have excambed his share of Lawsie for a portion of Wester Micras.

The lands of Lawsie, situated in a little side valley nearly opposite to Balmoral, were originally bestowed by the Earl of Mar in oxgates, of which the laird of Coldrach obtained the first grant. This portion (3½ oxgates) came to be divided among three sisters, as above stated, and was disposed of to Invercauld, who at the same time (1677) acquired by purchase other 3 oxgates from a James Stuart. Other portioners soon after also sold their holdings.

The derivation of the name Lawsie is uncertain; probably from *leasachadh*, manured or cultivated land in contradistinction to pasture, or outfield.

The disposition to litigate every matter in dispute, and to have every agreement put in legal form and duly attested, which prevailed to some extent in the Highlands throughout the 17th century, was intensified by the Revolution settlement, probably because the arm of the law was then felt to be stronger, and there was less need to seek justice by the strong hand. One result of the change was that any person with some pretensions to superior learning became a lawyer, and his services were sought in the settlement of almost every dispute. It was his pride to employ legal phraseology, sometimes, it is evident, without understanding its exact import.

A curious specimen of this is supplied by a paper which is given *literatim*, and which also vividly illustrates some singular commercial relations then common among the numerous small proprietors of the district. The hand-writing is rather large in text, and quite different from that of papers coming from the offices of professional lawyers. The paper is headed, "AGREEMENT Betwixt Charles Farqyson & Duncan Shaw. 1708," and is as follows:—

"Att Lausie the threeteen day of Janury seventeen hunder and eight years, it is agreed betuext Charles Farqrson of munaltrie and Duncan Shaw of Crathie read on the on and others pairts that is to say the sds Duncan Shaw having right by his position and Instrument of posesion Folowing therupon to tuentie bolls of corn and stra made victuall of sum tym belonging to John Gordon portioner of Lausie for certain souns of money dew be the sds John Gordon to the sd Duncan Shaw and wheras Charles Farqrson forsd as oversier to Elisboth Orak only Daughter to the deseast Charles Orak sum tym at the milltun of Lausie doth quarall the sds Duncan his titell to the sds corns ther being dew and yit unpaid : to his sd pupall be the sd John Gordon the soun of four hundereth marks ut by gort & rents on bond and the sd Charles Farqrson finding himself bund to Recover payment of what is posable of the sds John Gordon his effects for his sds pupalls behoof enters in the underwritten submission and so shun aney debat anent the sds corns wit ye me the sd Duncan Shaw with the Resurvation of the submission underwriten to hav Instently deliver'd to the sd Charles Farqrson the sd oversier aforesaid the sds quantity of tuentie bolls of victuall with the foder and that in pairt of payment of the sd soun dew be the sd John Gordon to the sd Elisboth Orak with pouer to the sd Charles Farqrson to intermidell with the saim Imediatly and mak use of or to dispos of the saim at his pleasure always for the use of the sd Elisaboth Orok his pupoll and I the sd Charles Farqrson considering that the sd Duncan his aright as aforesaid and not beirg willing that he should be at any considerable Lose for his kindnes and asysting my sd pupoll therfor wit ye me to hav submitted by thir presents to the Determination of John Farqrson off Envercald and Alexander Farqrson now of munaltrie shosen be me and to Charles Gordon of Abergildie and Charles Farqrson writer in Edr be thir presents shosen be the sd Duncan and in cais discrepance gives pour to them to choos ane oversman for cognossing of the sd Duncan titells and valedity of his Daitt and thereafter to determin what shair of the prise of the sd corns shall belong to the sd Duncan for his right aforesaid and both of us oblids us to stand to ther decreet arbitriel ther anent under the failzie of fiftie marks to be payed be the partie breaker to the partie performer or willing to perform by and out over fullfiling of the premises and I the sd Charles Farqrson of munaltrie be thir presents grants the Receipts of the sd corns and binds and oblidges me to hold count for the saim with the sd John Gordon or aney having his pouer in the first end of my sd pupolls debt and grant Receipt for the saim on demand And for the mor security we are content thir putts be Regrat in aney judges books competent to have the strenth of ane decreet that all letters of excertd needful may pass heirupon in form as efiers and therto constitute

"Our prov in witnes wherof the putts ar written be James Shaw

Servitor to the Leard of Envercald and signed with our hands at Lausie day and dait forsd befor witness John Farqrsen of Envercald and Alexander Farqrsen of Monaltrie Charles Farqrsen notar publik and the sd James Shaw writter heirolf

John Farqrsone witnes

Ch. Farqrsen

D. Shaw

A. Farqrsone witnes

C. Farqrsenne witnes

Ja. Shaw witnes."

The signers of this document are worthy of some notice.

CHARLES FARQUHARSON, styled here of Monaltrie, was no longer of Monaltrie. The last of a long and distinguished family to own any land in their native valley, he was under the necessity of parting with his ancestral property in 1702; but out of courtesy, while he remained in the country, he was always addressed as of Monaltrie. He was the son and successor of the famous "Donald Og," slain in Aberdeen, 1645—*see Spalding*—and buried in Drum's Aisle, where there is a tablet to his memory. Charles married, first, Marjory Farquharson, widow of Overhall, and aunt of John of Invercauld and Alexander of Monaltrie, by whom he had no family; and second, Elizabeth, daughter of Inverey, by whom he had two sons, but left them no lands. In 1708 he was a very old man, and his signature is extremely shaky.

DUNCAN SHAW was a portioner of Lawsie, through his wife, who was a daughter of the house of Allargue. He signs with a large, round hand.

JOHN FARQUHARSON, of Invercauld, the first witness, is too well known to require notice here. His signature is in the usual bold, free form.

ALEXANDER FARQUHARSON, his brother, purchased the estate of Monaltrie from the above named Charles, the last of the elder house. His signature is rather careless. He married Anne, a daughter of the house of Finzean, and they were the parents of the "Baron Ban," famous in the '45.

C. FARQRSONNE—probably a *lapsus pennae*—a signature evidently thrown off carelessly. He was not the Edinburgh legal agent of Invercauld whose name frequently occurs in these papers. It has not been discovered for certain to what branch of the clan he belonged; but as

there was a Charles Farquharson, styled a *writer*, grandson of Robert Farquharson, Minr. of Kennethmont (1676-1687), it was probably he who signed this deed. His father, Alexander, was a W.S. in Edinburgh, and his grandfather, the Minister, had been tutor or factor to Invercauld under Robert and his brother Alexander. He would thus be of the House of Rivernie.

JAMES SHAW signs with many flourishes. He was evidently well satisfied with his handiwork ; and, though he styles himself "servitor to the Leard of Envercald," he was certainly not a menial—probably he was Mr. Farquharson's secretary.

MELGUM.

The estate, now known by this name, lies to the N.-W. of, and near to the village of Tarland, though ecclesiastically within the Parish of Logie-Coldstone. The derivation of the word is somewhat obscure. It may be a corruption of the Gaelic—*Meall gorm*, green height ; or *Meall lom*, bare height, perhaps rather the latter, since there is a place on the property which still bears the name of Barehillock.

At an early date it belonged to the knightly house of Pitsligo. Sir William Forbes of that family bestowed it upon his second son, who was afterwards styled "William of the Daach," the daach, or davoch, of Melgum being the local designation of the property. Patrick Forbes, a grandson of William of the Daach, acquired also the lands of Pitellachie about 1540 ; but he dying without male issue, both estates—Daach (Melgum) and Pitellachie (Kinaldie)—came into the possession of his kinsman, Alexander Forbes of Boyndlie, who married Mary Elphinstone, a daughter of the Laird of Calderhall, a connection which gave rise to the complication of interests in these properties which we find when they came to be disposed of in 1693.

One of the earliest of the documents, relating to the Melgum estate, in the Invercauld repositories, is headed :—

"REGRAT DISCHARGE AND ASSIGNATION—Alexr. Ker to Harie Elphinstone, Dated 8th February 1693."

It is a long legal document, in a good state of preservation, and appears to have been required in order to enable Harry Elphinstone to

give sufficient title to sell the lands of Melgum, or such portion of them as he laid claim to. Ker, who seems to have held his possession under Elphinstone, had granted a bond for 4000 merks Scots to Thomas Cushnie, merchant in Aberdeen, who accepts Harry Elphinstone instead of Alexr. Ker. The document is signed by Alexr. Ker, and attested by "Alx. Thomsonsone, Notar," who, in the body of the paper, is also styled "Advocat in Aberdeen," and by Robt. Cook, both of whom are often witnesses to legal papers both before and after this date.

In illustration of the sale of bonds, and assumption of obligations, there may be noticed, among many others of a like nature, a long document headed :—

"EXTRACT DISCHARGE—Andrew Miller, with consent within, &c., To Harie Elphinstone and Thomas Cushnie,"

which sets forth that,

"ATT ABERDEEN, the 20th day of Decr., 1693, IN PRESENCE of Mr. James Scougall and Robert Paten, Comissres of Abd., compeared Alexander Fraser, pro. for the after designed, Andrew Miller, with consent underwritten, and gave in the discharge after mentioned, desyring the samen to be inspect and registrat ; &c. BE IT KNOWN to all men by these presents, ME, Andrew Miller, Skipper, Burges of Abd., present box-master of the box of the fraternity of the Skippers of the sd. burgh, with special advyse &c. ; Forso Meikle as Harie Elphinstone of Melgum, lait Collector of Customes at Abd., as princpal, and Thomas Cushnie, Merchant, Burges of Abd., as caut., and full debtor, for and with, &c."

In short, Andrew Miller offers to take over two bonds, one for £800 and another for 400 merks, granted by Harie Elphinstone over the property of Melgum, with Thomas Cushnie as cautioner, to the fraternity of Skippers for value received. From Mr. Miller the bonds passed into the hands of Invercauld, who was then negotiating for the purchase of the property.

The following document, which is the opinion of Counsel on the complicated position in which the purchase of extensive estates in Cromar had involved the Invercauld Family, is historically important as showing the depressed circumstances in which the lairds of those days were placed, and the sad shifts for relief to which they had often to resort. The old lairds, Forbesees, Elphinstones, and Kerrs, had bonded

their properties to more than their current value. The holders of the bonds, who were generally, in the first instance, merchants in Aberdeen, unable to get payment when due, assigned or sold them at what they would bring, to a third party who was fortunate enough to have some means at command. All the legally constituted bonds on a property thus frequently passed into the hands of one individual, who became virtually, and soon actually, possessor of it.

"MEMORANDUM FOR WILLIAM FARQSONE OF INVERCALD. Invercald having acquired from Hendry Forbes of Boyndlie the upper barrone of Pittallachie, and having acquired from Hendrie Elphinstone the nether barrone thereof, and having alswayes acquired right to seall (several) adjudications to and agt. the sd. lands upon debts by the sd. Hendrie Forbes, and being to exped ane publict infestment on those lands in his own name under the Great Seal, It is fitt that a charter be exped not only upon Boyndlie and Hendrie Elphinstone, the (as) signationes, but also upon the adjudications to which Invercauld has acquired right, and that the Charter bear ane express (note) that it shall be lawfull for Invercauld, his heirs, &c., to enjoy the sd. lands be virtue of all or either of the sd. ryts or formes, as (or) of any one of them, but (without) prejudice of the other, for securing him or his heirs, &c., in the right and possession of the sd. lands as he and they shall think fitt.

"Ther being some other adjudications led agt. Boyndlie which Invercald hath not yet acquired, It is advysable that Invercald use order of redemption agt. the sd. adjudications befor the leggall reversiones therof be expyred; Because, if the leggalls therof should happen to expyre in case the adjudgees wer contentious and malitious, they might pretend to have a portione of the lands as being within year and day of Invercald's first adjudication.

"Ther being seall (several) heritable bonds granted by Boyndlie containing precept of Sasine and wherupon infestment followed; but those infestments ar still base, and which heritable bonds and infestments following therupon are now likwayes assigned to Invercald, and adjudications have been led upon some of those heretable bonds, and others have led no adjudications but rested upon them in liferent.

"It is fitt that how soon that Invercald's infestment is exped those creditors who wer infest in heretable bonds and did not adjudge, doe make resignation of their infestments of @ rent in the hands of Invercald as their Superior ad perpetuam remanentiam, and that the instruments of resignation therof be duely registrat in the register of Sasines Conforme to the Act of Parlit.; Because ane to ane heretable right wherupon infestment followed is not habilis modus to extinguish the infestment and reall right, and the prories of Resignatione may relate

to the former assignationes granted by the Creditors to Invercald and bear ane exceptione therof (out?) of the warrand. But there is no necessity for Invercald to obtain resignation ad remanentiam from those who have adjudged, Because Invercald's charter being expedd upon those adjudicationes, the adjudicatione comes to be the most absolute and sovereigne right and absolutely absorbes the base infestment.

"The old Lady Boyndlie being infest in ane yearly liferent out of a parte of the lands, her renunciatione of her sd. liferent with consent of her husband, being judicillie ratified by her extra gratiam mariti, will be sufficient to liberat Invercald's lands albeit the same should not be obtained till after Invercald's publict infestment be expedd, and that she be not subscriber of Invercald's dispositione from Boyndlie.

"I have not seen the bond granted by Samuell Forbes of Foverane to Boyndlie for the 10,000 lbs., but if the said bond (as it is informed) be burdened expressly with the payment of 700 mks. yearly to the Lady Boyndlie in satisfacione of her liferent, Invercald may upon that bond force Foverane to prove ane yearly discharge from the Lady Boyndlie of the sd. 700 mks. to which she hath restricted her liferent, or other wayes to pay the sd. 700 mks. to Invercald himselfe that he may disburden his lands of the said liferent."

Another document, headed :—

"PRECEPT—Alexr. Simpson agt. Mr. Robert Irvine,"

presents a phase of life of even a less agreeable character.

It sets forth that :—

"JOHN EARLE OF ERROLL, lord Hay and Slaines, Constable of Scotland, Shereff principal of Aberdeen to the mair of fee of the sd. Shierffdome and to his deputs, ane or moe convenit, &c., greeting. Forsomeikle as it is humbly meaned and showen to us be Alexander Lumsden of Cushney exer. (executor), decerned and confirmed to the deceast Robert Lumsden at Milne of Auchtercoull that whare Mr. Robert Irvine, Minister of the Kirk of Kinbethock (Towie), by the back bond subscribed be him of the date the 25th day of October, 1690, mentioning that forsomeikle as the sd. complainer by his letter of assignation of the date of the sd. backbond made and constitute the sd. Robert Irvine, his aires, &c., his Sessioners and Assignes, In order that the soume of 300 merks Scots money resting to him as exer-forsd to Harie Forbes of Boyndly, be virtue of his bond granted to the said unqll Robert Lumsden of the date the 3rd day of January, 1687 yeirs; And In and to the soume of Ane hundredh merks of faillie mentioned in the sd. bond; And In and to the ordinar @ rent of the said 300 merks since mertimes 88 years @ yearly and termlię how long the same should

remain unpaid; And seeing the forsd. Assignment was delivered to the said Mr. Robert Irvine, and he had accepted and received the same with the forsd bond To the effect he might persew a deit of adjudication agt. the said Harie Forbes his estate for the said soume, &c.; Therefore the said Mr. Robert Irvine bound and obleidged him, his aires, &c., to use all possible diligence for getting diet of adjudicatione past upon the forsaid soume together with, &c., and how soon he or his forsd. could get the same past and exped, then and immediately thereafter he bound and obleidged himself and his forsaids to dispoñe, assign, and transfer so much of the forsaid adjudication to the sd. complainer, his, &c., as will be equivalent and corresponding to the soumes forsaid, &c., or, if the complainer and his forsaids pleased not to take the forsaid disposition and assignation in his own name, then and in that case the said Mr. Robert Irvine obleidged him to assign and dispoñe the same to any other persone the said complainer pleased to nominate for that effect, as in the said *backbond* insert and regrant in the Sheriff court books of Abd., and our decreet of the duity of the persones interponed thereto, Ordaining this our precept to be direct theron in manner underwritten at more length, &c.; WE CHARGE YOU THARFOR incontinent this our Precept seen ye pass and in our Sovereign Lord's name and authority and ours Lawfullie require, command, and charge the said Robert Irvine to dispoñe, assign, and transfer to the said Complainer and his forsaids so much of the adjudicatione led and deduced be him agt. the said Harie Forbes his estate as will be equivalent and correspondent to the somes of money, principal, &c., before mentioned with the rest of soumes wherfor the sd. adjudicatione is led, And to observe, performe, and fullfill to the sd. Complainer the forsd *backbond* in the haill heads, clauses, articles, obliedgments, and conditions therof, in so far as he stands any way bound and obliedged thereby After the forme and tenor of the sd. *backbond* and our decret forsd interponed therto in all poynts within ten dayes next, After he be charged be you therwith under the highest paine and charge that after may follow. Atour, that ye in name and authorite forsaid lawfullie crossfence and arryast the haill cornes, catell, horses, nolt, sheep, insight plenishing, debts, soumes of money and all other moveable goods and gair whatsoever pertaining to the sd. Mr. Robert Irvine, apprehending the same within the bounds of This our Sheriffdome to remaine under sure fence and arrestment Ay and Whill the said *back-bond* be fullfilled as said is, makeing intimation to you, conlie and seallie, our full power bey this our precept given under our seall of office at Aberdeen the last day of November, 1695 years.

Tho. hay."

Having disregarded the order of the Sheriff-Substitute, Mr. Robert Irvine paid as little attention to the decree of the Sheriff-Principal. In

consequence of his disobedience, an application was made to the Supreme Court, when the following decret was issued :—

“HORNING : Alexander Lumsdaine against Mr. Robert Irvine, 1695.”

“WILLIAM, By the Grace of God King of Great Britain, France and Ireland, &c., Forasmuch as it is humbly meaned and shoven to us by our Lovit Alexander Lumsdaine of Cushney, exer decerned and confirmed to the deceast Robert Lumsdaine, &c.”

The document then recites the above decree by the Sheriff-Principal at full length and then proceeds :—

“OUR WILL IS THEREFORE and, we charge you straitly and command that incontinent this our decree seen yee pass, and in our name and autorite command and charge the said Mr. Robert Irvine to dis-pone, assign, and transfer to the said Complainer and his aforsds so much of the adjudication led and deduced by him agt. the said Hary Forbes his estate as will be equivalent and corresponding to the soumes of mone, principall, faillies, and @ rents before mentioned, with the rest of the soumes wherfore the sd. adjudication is led, and to observe, perform and fullfill to the said Complainer the forsd back-bond in the haill heads, clauses, obleidgments, and conditions therof, in so far as he stands anyway bound and oblidge therby Efter the forme, within ten days next he bees charged be you therto under the pain of rebellion and putting of him to our horn, wherin if he failzy, the said ten dayes being bypast, yee incontinent prefer and denounce the disobeyer our rebell and put him to our horn and escheat, and inbring his haill goods and gaer to our use for his contempt, and immediately efter your said denuntiation that ye use the haill remanent order proscribed (sic) by our Act of Parliament made theranent according to Justice, because the Lords have seen the precept, as yee will answer to us therupon, The which to doe we committ to you conly and seally our full power, be thir our sers, delivering them be you duely execute and indorsed again to the bearer. Given under our signet At Edgr. the 17th day of December and of our reign the seventh year 1695.

Ex deliberatione dominorum concilii

W. Thomsone.

18th December
1695.”

The above transaction on the part of Mr. Robert Irvine and the Laird of Boyndlie bears a very questionable aspect. It is too open to the construction that it was a device to obtain possession of the bond due by Boyndlie to the estate of Cushney without fulfilling its condition. This seems to have been the view taken of it by the Courts of Law,

Although the fact is not here stated, it is evident that, before the "horning" took effect, Mr. Irvine did restore the bond to its rightful owner; for it was taken over by Invercauld before the purchase of the Melgum property was completed, and thus found its way with the relative documents into the family repositories.

In the Rev. Mr. Bell's "Records of the Exercise of Alford"—*N.S. Club*, there are many notices of the life and ministerial work of the Rev. Robert Irvine, all of which are creditable to him. He appears also to have been in high favour with his bishop, for at the diet

"At Kinnethmount, October 31, 1666,¹ . . . Mr. Robert Irvine being absent is excused, in regard he had gone to Braemar by an order from the Bishop, to celebrat Roderick Mackenzie's marriage with Invercauld his relict."—*Exercise of Alford*, p. 87.

This Minister of Towie seems, in worldly affairs at least, to have carried matters with a very high hand. Dr. Hew Scott—*Fasti Ecc. Scot. Vol. III., p. 568*—has this record of him: "A person having entered to Croslachie on lease was 'inveved' in it by this minister, who threatened to cause the proprietor to dispossess him, and he being induced to show his 'Assedation' the minr. tore it in pieces [Mr. Robert was in the way of showing small respect for legal deeds] with his hands, and shortly after, 8th May, 1693, took possession of a part, put his cattle on it, and pulled down two houses belonging to the other. Still dissatisfied, the min., with the son of the proprietor, attacked the tenant while sowing his land in March, 1694, 'tying his hands behind his back, brought him off the ground and carried him prisoner like a malefactor to his house.' While preparing papers there for the tenant to sign, he 'did endeavour to shake his hands lowse of their bonds; but Mr. Robert Irvine came and ordered the cords to be more severely drawn, which was accordingly done.' After being detained 'till he was almost dead,' he was compelled to subscribe a renunciation of his tact, with a disposition of the seed he had sown. A complaint was made against the minister and the young laird to the Privy Council, who not appearing, were denounced rebels

¹ This fixes the date of the marriage between the Laird of Dalmore, now Mar Lodge, and the widow of Robert Farquharson of Invercauld and Wardhouse. The lady, who had not long been a widow, was Ann Ogilvie, daughter of Ogilvie of Campcairn. Her late husband, by whom she had no family, had died in the previous July.

[this is the second time Mr. Robert Irvine was put to the horn]; but on a petition from them the decret was suspended, 16th June, 1698."

This following, addressed to Invercauld, is a specimen of Mr. Irvine's epistolary composition :—

"Renouned Sr.,

"By these I heartly give my Service to your self and to your Courtious and discreet lady wishing you a safe removal to the high Countrey, and a happy and a speedy return to our nighbourhed; be pleased so to recive the subsequent declaratione wherin if ther be any thing defective, at our first meeting it shall bee helped by, honoured Sr.,

Your most affectionat and humble servant,

Rbt. Irwine.

My wyfe gives her deuitfull respects to your selfe and ladie—till meeting, adeu."

The subsequent declaration is as follows :—

"For ass much as I, Mr. Robt. Irwine Minister at Towey have at writting hereof, out of favour as meer gratuity obtained a libertay from John farqrson of invercauld to cast, win and Led so many turfs¹ upon his heritage and property unto which, except of favour and lenecly I have nor pretend to have any title or right thertoe, nor any possessione during the pleasure of the sd. Laird of Invercauld, his heirs, or successors; by thir prests are of verity I have subscribed the sam this 10th day of June 1701.

Robt. Irwine."

The estate of Melgum, acquired by the Invercauld family in 1694, continued in their possession till purchased by the late John D. Milne in 1865.

"Contract betwixt
John Farqrson of Invercauld
and

Hary and Francis Farqrsons—1709."

This is simply a lease, very fully detailed, conveyng the lands mentioned with all the rights and privileges of proprietorship over the tenants for a term of seven years to Hary Farquharson of Whitehouse and his son Francis. The extensive baronies of Kinaldie and Melgum in Cromar,

¹ The peat moss referred to is situated near the watershed between the Dee and Don, where the Birkhall Road crosses from the one valley to the other. The privilege which the minister of Towie at this time obtained was so long exercised by his successors that it came to be considered a right, and, but for this letter, might have been established as such.

when purchased by the Invercauld family, were at a considerable distance from any other Invercauld property, and in the immediate vicinity of Whitehouse, the proprietor of which, like many of his family, was a very capable man of business. These may have been some of the reasons that induced Invercauld and Whitehouse to conclude this agreement.

Some of the stipulations, as the following extracts show, are very curious, and probably gave rise, in regard to carriages and other tenants' obligations, to a custom that continued in a modified form to be imposed on them, as part of their rents, for the next 150 years:—

"Att Aberdeen, 11th June 1709 years, it is contracted and agreed betwixt John Farquharson of Invercauld on the one part and Hary Farqrsen of Whitehouse and Francis Farquharson, younger therof, his sone, on the other part, in manner and to the effect following—THAT IS the said John Farquharson has sett and assedat &c. ALL AND HAILL his lands and Baronnies of Kinaldie and Melgum, with the &c. lying within the parochin of Coldstone and Sherifffdome of Aberdeen, together with &c. the lands of Pittentagart lying within the parochin of Migvie &c., for the space of seven years and crops from and after the term of Witsunday last bypast 1709 years, which is herby declared &c.

"AND SICKLYKE the said John Farquharson has made and constitute the said Hary and Francis Farquharsons, the longest liver of them two dureing the space forsaide &c., with full power to outputt and inputt tenants &c, And Likeways to hold courts upon the said lands and put in lawfull execution, therin, and generallie to doe the service that the said John Farqrsen might doe himself.

"FOR the which causes, and on the other part, the said Hary and Francis Farqrsens bind and oblige themselves their aires, &c. to thankfullie content, pay, and deliver to the said John Farqrsen of Invercauld his heirs &c. yearly and ilk year during the seven years above written the sum of Two Thousand four hundred sixty six (pounds) 13/4 Scots money the one halfe therof at Candlemes after shearing of the crop, and the other halfe at and upon the first day of September thereafter—with a fifth part of the said sum in case of failzie &c., with two chalder good and sufficient bear betwixt pesth and the reedday (Easter and the 3rd day of May) and two chalder good and sufficient ferm meall at nine stone weight the boll, betwixt yool and candlemes, all after shearing of the crop, and to carry and transport the said victual upon their own charges to Abdn. or any place of like distance with forty four long carriages from Pitalachie to Abdn. or from Invercauld to Pitalachie as the said John Farqrsen and his fords shall have occasion, together with eleven dozen of capons (castrated fowls) and seventeen dozen and four

poultres (chickens) at the termes used and wont to be transported to Abdn. or Invercauld as the said John Farqrsen and his fordsd shall desire. As also the said Hary and Francis Farqrsens binds and oblidges them and their fordsd conlic (conjunctly) and scallie (severally) as sd. is to pay and deliver openly to the Minister of Coldstone a chaldre of bear and a chaldre of meall and two hundereth mks. Scots as the stipend of the fordsd. lands, and to recover discharges theron and deliver them to the said John Farqrsen and his fordsd. And sicklife they bind and oblidge themselves to leave the bigging upon the sd. lands conform to the Inventars and appretiations to be made of the same.

&c.,

&c.,

&c.

In witnes wherof they have subt. thir presents written be William Reid, servitor to Charles Gordon, Advocat in Abdn., time and place forsaide before witnesses, Captain Francis Forbes, brother to Sir William Forbes of Cragyflar and the said Charles Gordon and William Reid.

Fr. Forbes, witnes.

J. Farqrsen.

Cha. Gordon, witnes.

Ha. Farqrsone.

Will. Reid, witnes.

Fra. Farqrsone."

The Whitehouse Farquharsons sprang from the elder house of Monaltrie. The Harry here mentioned was the third of the family, and father of Francis and Harry, the latter of whom was slain in the battle of Culloden. The father was a man of much weight in the County.—*V. Poll Book, Parishes of Glenmuick, Tullick and Glengairn.* Francis was the founder of the Sheill's family.

MICRAS.

The district formerly known by this name lay along the north bank of the Dee for a distance of about three miles, beginning at four miles beyond Ballater and stretching upwards to within a mile of the Church of Crathie. The derivation of the word is very uncertain. In Gaelic it was pronounced *Miacra* or *Smiacra*, which latter word might be rendered in English, *bright* or *sunny*, and corresponds with the situation, which has a southward or sunny aspect. An old tradition, however, connects it with the name of a female saint, *Miacra* or *Macra*. Such a saint's name does appear in Bishop Forbes's list, but, according to him, she had but little, and that a doubtful connection with Scotland. Ecclesiastically this district comprised an outlying portion of the ancient Parish of Tullich, and was occupied by a number of small proprietors, who held

their possessions by the old form of tenure. The earliest recorded charter is one from "Lord Mar and his son, of the Lands of Easter Micras to Donald Farquharson, dated 5th June 1633."

This Donald Farquharson was the son of Alexander of Allanquoich, and great grandson of Finla Mor through Donald of Castleton. He married first, Violet, daughter of Troup of Balnacraig (Birse), and second, Helen, daughter of Garden, of Bellamore (Inchmarnoch). His descendants long possessed the property thus acquired.

TORGALTER,

another small property in the same district, is conveyed by

"PRECEPT OF SASINE from John, Lord Erskine, for infestment to John Morgan of Dargaltie (Glenshee) in the Lands of Torogalter of Wester Micras, dated 23rd April, 1650, proceeding upon a Disposition from John Erskine of Wester Micras to Morgan."

The family of Morgans continued to possess their small holding (it was only a part of the property called Torgalter) till 1713. Another, and the larger portion, was held in 1696 by David McKenzie, of the family of Dalmore (Mar Lodge):

We have next :—

"CHARTER from Lord Mar to John Erskine, son of Donald Erskine of Castletoun of Braemar, of four oxgates of the Lands of Wester Micras, 13th January, 1660,"

with the following note appended :—

"Wester Micras and Torogalter of W. Micras, Sleach, Badquan (? Badfandoch), and Richarkarrie, acquired by John Farquharson in 1713."

Sasine on the foregoing charter followed, 21st March ensuing.

The said John Erskine does not seem to have held his small possession beyond ten years ; for on 27th April, 1670, he disposes of the said four oxgates to Robert McHardy, portioner of Crathinairt in Liferent, and Charles McHardy, his second son, in Fee.

There seems to have been some family connection between these Erskines and McHardies, though the particulars thereof cannot be traced,

There is a charter from Charles, Earl of Mar, to this same Robert McHardy and his son, Charles, of these Lands, dated 12th October, 1688, and an Instrument of Sasine thereon, dated as late as 22nd August, 1696, in which year the said Robert McHardy, with consent of his wife, disposes of the lands to Charles McHardy, their son.

And this Charles McHardy, with consent of his spouse, disposes of them to John Farquharson of Invercauld, under date 19th September, 1713.

To return to the property of Torgalter, of which John Morgan got possession in 1650, we have :—

“PRECEPT OF CLARE CONSTAT from Charles, Earl of Mar, for infesting Allaster Morgan as heir of his father, the said John Morgan, in the said Lands, dated 18th June 1688, with Sasine thereon” ;

and

“PRECEPT OF CLARE CONSTAT from John, Earl of Mar, for infesting Elizabeth Morgan as heir to her father, the said Allister, dated 9th Novr., 1710, Sasine of which is registered in Aberdeen, 28th July 1715.”

This Elizabeth Morgan had married Malcolm Gillanders in Tillyhouldie (Aboyne), and with his consent had conveyed their portion of the Torgalter property to John Farquharson of Invercauld by Deed of Disposition, dated 18th August, 1713. This is the Deed referred to in the *Note* to the Charter to John Erskine—1660.

This is recorded in an

“INSTRUMENT OF RESIGNATION in favour of John Farquharson of Invercauld in the hands of James and David Erskine of All and Whole the lands of Wester Micras acquired by him from Charles McHardy, and also the lands of Torrigalter acquired from Elizabeth Morgan.”

It thus appears that this family of Morgans held possession of the property of Torgalter for a period of nearly seventy years.

The other lands of Wester Micras fell under other proprietors.

There is a DISPOSITION by James McDonald of Rieneton to George Symon in Toldow, his heirs and assignees whatsoever, of the parts of the Lands of Wester Micras possessed by him, of date 19th September, 1741.

A note states that Lord Fife was superior of these Lands.

This Disposition was followed by

"INSTRUMENT OF SASINE in favour of the said George Symon, dated 5th Feb. 1751."

George Symon disposes of his property to his eldest son, Francis, by Deed, dated 16th May, 1771. The said Francis Symon, designed as portioner of Wester Micras with consent of Margaret Clerk, his spouse, disposed of his part of the said Lands of Wester Micras in favour of James Farquharson, Esq. of Invercauld, by Deed of RENOUNCIATION, Sasine whereof is dated 29th March, 1783, and ratified by Margaret Clerk the same day; and Instrument of Sasine of the said Lands and others in favours of the said James Farquharson, Esq. proceeding upon the said Disposition is recorded at Edinburgh, 16th April, 1783.

It may be of interest to some to observe that the last known male representative of the above named Francis Symon was the late John Symon, merchant, Balmoral Cottages.

EASTER MICRAS.

Reverting to the property of Easter Micras as settled by the Charter of Lord Mar to Donald Farquharson, dated 5th June, 1633. These lands seem to have remained in this family without change till 1727, when there is

"PRECEPT OF CLARE CONSTAT by James and David Erskine for infesting John Farquharson of Allanquoich as heir to his father Allaster in said Lands, Dated 10th March 1727."

The next recorded Disposition of this property follows the new regime after the suppression of the Rising in 1745, and is interesting as showing the feudal obligations then generally exacted.

The particulars are noted at some length in a

"PRECEPT OF CLARE CONSTAT by James, Earl of Fife, in favours of John Farquharson of Easter Micras for infesting him as heir of John Farquharson of Easter Micras, his Grandfather, in the parts and pertans of the said lands of Easter Micras and others before designed—Feu duty £16. 13. 4 Scots, and £1 Scots of additional feu duty as the value of the clause *de non-alienando* and other clauses contained in the ancient rights and Infestments of the same now abolished, and doubling the same

the first year of the entry of every heir as use is in feu form—Paying also six poultry fowls, and winning and laying in yearly ten loads of Peats to Marr Lodge before the Feast of Lambas, and the half of an long Carriage yearly, not exceeding the distance of 60 miles from the said Castle or else the sum of 2/ Scots for each Poultry Fowl, 1/ Scots for each Load of Peats, and £1 10/ Scots for the said half of the long Carriage in the option of the Superior—Extending the said Poultry Fowls and loads of Peats to £2. 12/ Scots yearly, dated 11th Septembr. 1770.”

Instrument of Sasine follows, 27th November, 1770. Fourteen years thereafter this John Farquharson had to dispose of his property for behoof of his creditors as recorded in, the books of Session, 3rd December, 1784.

On the margin of this Trust Disposition we have a pencil note :

“Lieut.-Col. John Farquharson 42 Regt. descendant of last heir of the Allenquoich family.”

The Micras property was purchased by a Mr. John Hay for behoof of a client, as appears from the following extract :—

“DISPOSITION of the said lands by the said John Hay with Consent of the said John Farquharson and also of Alexander Abercrombie W.S. who had first purchased the same To Charles Gordon Esquire of Abergeldie and his heirs and Assignees whomsoever containing Procuratory of Resignation and Precept of Sasine, dated 24th December 1784 and Recorded in the Books of Council and Session (O.M.) 6th April 1785.”

It did not, however, remain but for a short time in the hands of the Abergeldie family ; for under date of 19th December, 1787 there is

“DISPOSITION by the said Charles Gordon Esqr. in favours of James Farquharson Esqr. of Invercauld of the said Lands of Easter Micras with the pertinents belonging thereto, Dated 19th December 1787.”

In the Poll Book (1696) Alexander Farquharson of Allanquoich, the son of Donald who received the charter in 1633, is rated to the extent of £110. His property consisted of EASTER MICRAS, on which his son, John Farquharson, as tacksman with four sub-tenants, resided ; and Greystone, where no fewer than ten families had their abode. This laird had married Jane, daughter of Forbes of Skellater ; and their son, the above named John, married, for his second wife, his own cousin, Agnes Forbes, of the same family.

In WESTER MICRAS, where there was quite a large hamlet, Robert McHardy is rated at £44, with his son, Charles, as tacksman; John Erskine at £155, also with his son, John, as tacksman; William McDonald of Reinetton (Rineton), at £22; Edward Fleming of Auchintoule (Glengairn), as portioner, at £16; and James Coutts, his brother-in-law, also as portioner, at £86. Thus the total rental of Wester Micras amounted in 1696 to the sum of £323 Scots, which at that date had a purchasing value not much short of that of Sterling money at the present day.

In TORREGALTER (Torgalter) the only proprietor entered in the Assessment Roll is David McKenzie, whose valuation is £55. The Morgans do not appear as proprietors, though it is certain they had not divested themselves of their proprietary rights till 1713. Several persons of the name, however, appear as tenants on this and the neighbouring properties.

MIGVIE, EASTER (HOPEWELL).

This property, situated about a mile to the west of the Village of Tarland, and in the lower or eastern end of the old Parish of Migvie, was the most recent acquisition by the Invercauld family of land in the district of Cromar.¹ The documents referred to in their collection of writs relating to it do not therefore carry the proprietary history much farther back than the beginning of the present century.

¹ MUIR OF KYNOCH. There was a still more recent acquisition, though not by purchase, of a portion of a moorland property called MUIR OF KYNOCH. The tradition regarding it is as follows:—A former proprietor of the name of Coutts, having for some reason—some say for his share in the '45, but it must have been before that time—fled the country, and no one having appeared to claim the deserted waste, it became a sort of 'no man's land.' It had long remained so, plundered by the neighbouring farmers, who carried away its soil to enrich their own fields, and quarrelled over its pasture; worse still, strangers of very questionable character squatted upon it and sorned upon the country around. At length, in 1828, a petition was presented to the Sheriff of the county to take measures to prevent the evils thus arising. A long legal process had to be gone through before any effectual scheme was adopted. In the end an arbiter was appointed—Wm. Simpson, Esq., Advocate in Aberdeen—who went into all the matters submitted to him with great minuteness, dividing the property (40 acres or thereby) among the three neighbouring heritors—Mrs. Farquharson of Invercauld, Dr. Forbes of Belack, and Francis Farquharson of Finzean,—according to the best of his judgment. A certified copy of his Decreet Arbitral, dated 1st June, 1838, is preserved among the Invercauld writs.

In the Poll Book, a century earlier, it is ranked as a part of the Blelack property, and consisted of three farms besides six sub-tenants and cottars, the assessment on which was £7 13s. 2d., representing a rental to the proprietor of £50 or thereby. It is uncertain at what date the Blelack family came into possession of it. It is clear, however, that they held it under the superiority of the Earls of Mar, which passed by purchase to the Earl of Fife—1726-31.

The earliest writ regarding it, to which the Invercauld papers refer, is as follows :—

“PRECEPT OF CLARE CONSTAT by James, Earl of Fife, in favors of Thomas Fairbairn Esquire of the Island of St. Vincent for infesting him as heir of provision to Thomas Fairbairn, his uncle, In the lands of Easter Migvie and others with the pertinents above discribed.—Feu duty £12. 10. 4 Scots as the ancient feu-duty ; 10/10d for the astricted multures to the mill of Westown ; and 7/8 in augmentation of the Rental payable at Whitsunday and Martinmas, and Doubling the said feu duty at the entry of each heir to the said Lands, dated 12th March 1793.”

Instrument of Sasine follows thereon the 8th day of April, 1793.

Soon after we have :—

“DISPOSITION by the said Thomas Fairbairn To and in favor of the said James Farquharson Esq. of Invercauld, and the heirs succeeding to him in the Estate of Invercauld, of the said lands of Migvie and others with the pertinents, containing Procuratory of Resignation and Precept of Sasine, dated 18th and Recorded in Books of Session (M. P.) 24th March 1800.”

Instrument of Sasine follows thereon, dated 19th May, 1800.

On a table-shaped tombstone in the Churchyard of Migvie there is the following inscription :—

“To the memory of DOCTOR FAIRBAIRN of Easter Migvie, who died Dec. 26th, 1770, and Mrs. DOROTHY BRENNER, his spouse, who died July 20th 1797, who with their son, ROBT., and daughts, MARY & BARBARA, & a Brother of the Doctor's, EDWARD FAIRBAIRN, lie interred here.”

The Doctor Fairbairn referred to in the inscription was Thomas, who was probably the first of his family to possess the lands. A brother had emigrated to the Island of St. Vincent. His son, also Thomas, inherited his father's estate in that island ; and, on the death of his uncle, the Doctor, he succeeded also to the property of Easter Migvie ; received

the Precept of Clare Constat from Lord Fife in 1793, and sold the lands to Invercauld in 1799, the deeds recording the sale being dated 1800, as appears from the Disposition quoted. The subsequent history of the Fairbairn family is unknown to the writer. The estate of Easter Migvie, now HOPEWELL, remained in the Invercauld family till 1864, when it was purchased by the late Dr. Andrew Robertson, long and favourably known as Commissioner to Her Majesty the Queen at Balmoral. His son, Duncan Robertson, late of the Foreign Office, is the present proprietor.

A rather lengthy document regarding the allocation of Tiends may be here referred to as showing the increase in value of landed property within the century. It is in the form of a petition by James Farquharson, Esq. of Invercauld, to the Lords of Council and Session to have a recent interlocutor, passed by the Court of Tiends, readjusted. It is headed as follows :—

“TIEND CAUSE”

“January 17th 1797

“Pet. Ja. Farquharson, Esq.

“C. Mackintosh, W.S. Agent.”

From this paper it appears that Mr. William Maitland, minister of the united parishes of Tarland and Migvie, had (July 2nd, 1794) applied for and obtained an augmentation of stipend, against the locality of which Mr. Farquharson of Invercauld appealed to the Lords of Council and Session in respect of the lands of Easter Migvie. He says, “At the time this interlocutor was pronounced, the petitioner was proprietor only of a very small parcel of lands lying in this parish (Tarland), amounting, according to the rental given in by the minister himself, to no more yearly rent than six bolls of meal, and £9 sterling in money. He has, however, since acquired from Mr. Fairburn the lands of Easter Migvie, belonging to Mr. Fairburn, amounting by the same rental to 25 bolls of meal and £40 sterling of money.”

The rest of the paper contains nothing of interest.

Reckoning the boll of meal at £1, the total annual rental of the newly acquired property (Hopewell) would in 1800 A.D. amount to £65 stg. The price paid was £1800 stg., which would be at the rate of 27½ years' purchase. The gross annual value in 1865 A.D. is stated (“Return

of Lands and Heritages, 1873") as £352½, and the price paid was £8,500 *i.e.* 24 years' purchase. If, however, the cost of the improvements effected between 1865 and 1873 be added to the purchase price, the ratio between that and the rental at both periods—three-quarters of a century apart—would be very nearly the same. Both rent and capital value had increased over five-fold. The case is a typical one for the period, and as such has been adduced.

RICHARKARRIE.

This property, situated on the north bank of the Gairn about six miles above Ballater, constituted a considerable portion of the arable land included within the old parish, and consisted of the holdings of Richarkarrie, Torran, Tomnafie, with their perquisites.

The earliest notice we have of it in the Invercauld Records is a

"CONTRACT of Sale between the Earl of Mar and his son, and Sir Alexander Irvine of the lands underwritten, dated 13 July 1633."

Proceeding on this there was issued

"FEU CHARTER from John, Earl of Mar, with consent of Lord Erskine, his son, to Sir Alexander Irvine of Drum, Knight, of the Town and lands of Richarkarrie, dated 6th & 13th July 1633."

Sasine thereof followed, 5th March, and was registered at Aberdeen, 8th April 1634.

From this date onwards to about 1666 the property seems to have been held by the family of Drum. But about that date they would appear to have sub-feued a considerable portion of it to a sept of McGregors; for in the Poll Book (1696) both Richarkarrie and Torran are reckoned as part of the property owned by Malcolm McGriger of Delfade, "for himself and representing the heirs of Duncan McGriger of Ardochie, in the said parochin; his valuation is £160. o. o."

We have no evidence under what tenure these lands were held, but it is certain that there were considerable reservations; for the said Sir Alexander Irvine bequeathed or burdened some of this property for the purpose of founding bursaries—obligations which were afterwards transferred to the lands of Kinmuck (*see University Records*). It does not appear from the document itself what gave rise to the following:—

"DECREE of adjudication at the instance of James Gordon Agt. Mary, Margaret, and others the daughters of Sir Alexander Irvine, dated 14th Feby 1706."

But it is evident that the adjudication was in consequence of moneys that had been lent to Sir Alexander by Gordon of Lesmore. The lands, however, continued nominally in the hands of the Drum family for some years after this date, when they reverted to the Earl of Mar; and, on his forfeiture, were bought by his brother and David Erskine of Dun, who sold them to John Farquharson of Invercauld, as appears from the following:—

"INSTRUMENT OF SASINE in favor of John Farquharson of Invercauld, proceeding on a Charter of Resignation from James and David Erskine in the lands of Torragalter and Richarkarrie, dated 13th July 1726."

These lands have ever since remained an integral portion of the Invercauld estates, and are thus described in the deed of entail, 1788:—

"All and Whole that half Davock in Glengairn called Richarkarrie comprehending the Town and Lands of Richarkarrie, Torran, Tomnafey, with the mill of Richarkarrie, mill Lands, multures and sequels thereof with the shealings and grazings in Glasschyle and Corybeg lying in the Parish of Glengarden and Sherifffdom of Aberdeen, and which half Davock land is a part and pendicle of the Lands of Glengarden, Together with the whole Salmon Fishings, woods, and others within the bounds of the whole lands above mentioned. Together also with the whole Castles, Towers, manor places, houses, Biggings, yards, Orchyards, mosses, meurs, meadows, grazings, shealings, annexis, connexis, Tenants, Tenanebrics and services of free Tenants parts, pendicles and pertinents of the said whole Lands above mentioned."

TOMBELLY AND DALBEDDIE.

These two small properties, lying along the north bank of the Dee from $1\frac{1}{2}$ to 3 miles beyond Ballater, were sometimes conjoined as one estate, but were more frequently held by different proprietors.

TOMBELLY, now known as Balgairn, derived its name from the Gaelic *Tom Bhealaidh*, i.e. Broomhill.

The Writs referring to it contain also several of those relating to a portion of Dalbeddie. They are the following:—

"PRECEPT OF CLARE CONSTAT by Alexr. Donaldson Esquire of Kinavidie, with consent of James, Earl of Fife, In favors of John Farquharson of Tombelly for infesting him in the half of the Lands of Dalbeddie and the parts and portions before specified of the Lands of Tombelly, Dated 28th January and 8th February 1777."

The John Farquharson, above mentioned, is probably a mistake for John Ferguson ; for in the Instrument of Sasine which follows upon the Precept of Clare Constat the name given is John Ferguson, which may be verified by reference to the Record of Sasines of the County of Aberdeen, dated 11th September, 1777, in which year there is recorded :—

"EXT. ACT AND WARRANT of the Lords of Council and Session in the process at the instance of John Ferguson, eldest lawful son of the deceased John Ferguson, Cooper in Aberdeen, and Elizabeth Joyner, his Mother, Tutor dative to her said son, against the nearest of kin and creditors of the said John Ferguson, whereby the said Elizabeth Joyner is authorised to dispose of *inter alia* the said lands of Dalbeddie and Tombelly above described, known by the general name of Tombelly, and authorising her to grant the necessary Dispositions in favors of the Purchasers, dated 1st Augt. 1777."

Then follows :—

"DISPOSITION by the said Elizabeth Joyner, as authorised in manner aforesaid, To and in favor of William Farquharson of Bruxie his heirs and Assignees whatsoever of the said Lands of Dalbeddie and Tombelly with the pertinents containing Procuratory of Resign. and Precept of Sasine ; Dated 8th July 1778."

Instrument of Sasine follows thereon, dated 18th December, 1778.

William Farquharson, styled here of Bruxie, was the nephew of the "Baron Ban," and his successor in the Estate of Monaltrie. Bruxie is a small property in Buchan which he had acquired through his mother, Helen Baird, and which he sold when he bought the lands of Tombelly and Dalbeddie.

DALBEDDIE (DALBAGIE).¹

The history of this small property, which adjoined, as already stated,

¹ The name, Dalbagie, is but little modified phonetically from a Gaelic expression signifying "The Haugh by the boat on the Dee," which is quite descriptive of the locality, there having been from an early date a ferry over the river here, which was only superceded a few years ago by the erection of a neat foot-bridge. The boat-pool is called Pol-colaik, a shortening of Pol-calmaig so named after St. Calmaig, in whose memory a fair was long kept up in the neighbourhood.

that of Tombelly, is rather curious, and may be interesting to the descendants of those who were connected with it. It is therefore given in some detail.

It had long been held by vassals of the Earls of Mar whose names have not been recorded. On the collapse of the Rebellion of 1715, the property was forfeited to the Crown, and afterwards conveyed, with many others in superiority, if not in Fee simple, to the Earl of Fife, by whom A CHARTER, on the Resignation of the previous holders, was confirmed "in favors of Charles Gordon of Abergeldie, his heirs and assignees whatsoever, of All and Whole the Town and Lands of Dalbedie, Dated 22nd November, 1768."

Then follows :—

"DISPOSITION by the said Charles Gordon of Abergeldie in favors of Finla Farquharson of Rochallie, his heirs and successors whatsoever, of the said Town and Lands of Dalbeddie and Tiends thereof under the Reservations therein mentioned, containing Procuratory of Resignation and Precept of Sasine."

It further contains :

"A SPECIAL ASSIGNATION in and To the above mentioned Charter of Resignation and Confirmation, Dated 7th December 1768."

The Finla Farquharson above mentioned did not long retain possession ; but it is singular that some of the old peasant families long retained a recollection of him as a good old Laird.

He was a somewhat prominent individual in his time, and for good, both here and in Perthshire, where his principal estate was situated.

He soon makes the following Disposition :—

"DISPOSITION AND ASSIGNATION by the said Finla Farquharson of Rochallie in favors of Alexander Farquharson of Houghtin, Accountant in Edinburgh, his heirs and assignees whomsoever, of *inter Alia* the said lands of Dalbeddie and pertinents containing special assignation, In and To the said Charter of Resignation and Confirmation and unexecuted Precept of Sasine therein contained. Dated 7th December 1772."

There follows :—

"DISPOSITION AND ASSIGNATION by Francis Farquharson Eldest son and heir, served and Retoured, to the said deceased Alexander

Farquharson, Conform to Retour of his general service expedite before the Sheriff of the County of Edinburgh upon the 1st day of April 1789, To and In favours of William Farquharson, Esq. of Monaltrie, Advocate, of *inter alia* All and Whole the Town and Lands of Dalbedie (which) contains special Assignment in and To the said unexecuted Charter of Resignation and Confirmation, Dated 24th March 1795."

Instrument of Sasine follows thereon ; and the Estate thus incorporated in that of Monaltrie came into the possession of the Invercauld family as stated in the Deed of Disposition by William Farquharson, Dated 26th January 1803.

The three Farquharsons, mentioned in the Deed of Disposition and Assignment, comprise the Lairds of Monaltrie of the second Family, who successively held the estate from its acquisition in 1702 : 1st Alexander Farquharson, younger brother of John of Invercauld : 2nd Francis, his son, the "Baron Ban" of the '45, whose mother was a daughter of the House of Finzean ; and 3rd William Farquharson, nephew of Francis, in whose favour the deed was made by his uncle.

William, during the thirty-eight years of his tenure of the property, was a prominent leader in every movement that had for its object the promotion of the material or social prosperity of the country. Following the example of his uncle, he introduced many agricultural improvements, planted much timber, made new roads and bridges, held courts of law as a Justice of Peace, founded and promoted the St. Nathlan Lodge of Freemasons, and, to crown all, was the founder of the village of Ballater. He died at Vivay, in Switzerland (whither he had gone for his health), where there is a tombstone bearing the inscription :—

"Sacred to the memory of W. FARQUHARSON of Monaltrie, who died at Vivais, 28th Nov., 1828, aged 74."

And on the knoll of Tomnakist, to the east of the old church, there is an obelisk to his memory, erected by his widow, who was a daughter of Mr. Garden of Troup, M.P., bearing a similar inscription.

Several anecdotes regarding the old laird, as he was generally called in his later years, were wont to be related by himself to the friends who assembled round his hospitable board, one of which may be here recorded,

Having been bred to the law in Edinburgh, he was while there one of a party of some celebrities invited to meet the poet, Burns, during his stay in the capital. In the course of the evening the poet, happening to make some inquiries as to the position of his clansmen in the north, Mr. Farquharson was proceeding with characteristic modesty to represent them as a minor clan, not claiming to rank with such as the McDonalds, Campbells, and Camerons, when Burns interrupted him, saying, "Hold, sir; you have no reason to be ashamed of your clan; see that your clan have no reason to be ashamed of you." "He was a wonderful man," Monaltrie would observe, "I soon discovered that he knew more of the history of my clan than I did myself."

TULLOCHCOY.

This property was bounded on the south by the river Dee, on the west mainly by the Burn of Farder, on the east by the watershed on Craignordie (*Craig n' ard Dhe*, i.e. the hill that bounds the upper Dee) between it and the estate of Monaltrie, while to the north its hill grazings extended for miles into the valley of the Gairn. The site on which the mansion was built commands one of the finest views to be had in the whole country, and is justly admired. Right in front, across the Dee, is seen the Balmoral forest in its full extent, with Lochnagar from base to summit in all its grandeur, while more to the right the snow-clad corries of Bennabournd with his humbler neighbours shut in the scene.

There is a little difficulty about the etymology of the name; some would derive it from *Tollach ghaath*, i.e. windy dale, others prefer *Tollach Dhaibhidh*, i.e. David's dale. There is not much difference phonetically between the Gaelic expressions; and David, however originating, was not an uncommon name in the family of the old proprietors.

Near the march between the Tullochcoy and Monaltrie properties, on a narrow flat beside the Dee, the *Cairnachuin* (cairn of remembrance), the slogan or rallying cry of the Farquharsons, still marks the ancient meeting place of the clan when called to arms by their chieftains.

There seems to have been from an early date a separate property of this name; for in the Charter of Queen Mary to her natural brother, the Regent Moray (A.D. 1564), it is thus entered:—

"Terras de Tulloquhy extendentes annuatim ad viginti sex solidos

octo denarios firme, quartam partem marte, quinque lie reik hennis, vnum muttonem, vnam bollam avenarum, pro areagiis et careagiis sex solidos, et in quinquennio quinquaginta tres solidos quatuor denarios gressume."

In later times it would appear to have been a portion of the Inverey lands, and to have been given to James Farquharson either by his father, James of Inverey, who was descended from Donald of Castleton, or by his elder brother, Ludovick, or Lewis of Auchindryne.

There are many traditions regarding the part taken by the proprietors in the Risings of 1715 and 1745; but none of them is supported by these papers.

In the Poll Book of 1696 the property is ranked under the name of Lodowick Farquharson, who was Laird of Auchendren and elder brother of James Farquharson, the latter being entered "of Tullochcoy for heretor, and generall poll at £4 6." He was at this time married and had three sons, James, David, and John.

The first document relating to the property, among the Invercauld papers, is a

"CHARTER OF RESIGNATION AND CONFIRMATION by William, Lord Braco, In favors of James Farquharson of Tullochcoy in liferent and Peter Farquharson, his eldest son, in fee, and his heirs and assignees, of the Lands of Tullochcoy above described, Feu duty £8. 6. 8 Scots, and double at the entry of heirs—"

It contains a number of personal services which are convertible, and accordingly the Charter embodies this Declaration:—

"And in case we, or the said James and Peter Farquharsons and their foresaid, shall at any time take the benefit of the late Acts of Parliament discharging and converting any of the particulars and prestations above written, they should be liable to us and our foresaids for the legal value and avail of the same, which is hereby expressly reserved, Dated 26th June 1755."

There follows,

"INSTRUMENT OF SASINE upon the said Charter of Resignation &c. in favours of the said James and Peter Farquharson, dated 17 October and Recorded in the Particulair Regt. of Sasines kept for the County of Aberdeen the 12 day of December 1755."

"NOTE. This Sasine was never delivered, but it is a public Infestment and requires no confirmation."

There follows, 17 years thereafter,

"DISPOSITION by the said Peter Farquharson of Tullochcoy with consent of said Isobel Forbes, his wife, of the said Lands of Tullochcoy with the pertinents in favors of James Farquharson Esq. of Invercauld his heirs and Assignees whatsoever, containing :—

"PROCURATORY OF RESIGNATION and Precept of Sasine, Dated 14th October and 4 Novr. 1772 and Ratified by Isobel Forbes of said last Date."

Sasine follows thereon.

It would appear from the date inscribed on a stone which formed the lintel of the house built by James Farquharson, First of Tullochcoy, that the property had remained in the hands of this family for a period of at least 80 years, viz., from the building of the first mansion there, the date of which, as recorded on the lintel referred to, is 1693. The inscription, carved in relief,

I. F. : A. O. 1693,

is still extant.

I. F. signifies James Farquharson, and A. O., Agnes Ochterlony, who was a daughter of the minister of Fordoun. They were succeeded by their son, James Farquharson, who married May, daughter of Charles Farquharson of Monaltrie (son of Colonel Donald Farquharson *alias* "Donald Og"), and had, with other sons and daughters, Peter Farquharson of Tullochcoy, born about 1723.

The following is a quaint account of the rental of this property at the time it was sold to Invercauld (1772):

"A Compleat Rentall of the Lands of Tullochcoy payable Mart. 1771 :

			lbs	sk	pen
By John Mcpherson, Mains of Tullochcoy	-	-	93	9	0
By Allan Coutts	-	-	27	0	0
By Thomas McDonald in full	-	-	55	18	0
By Donald Coutts in full	-	-	48	0	0
By the Stran vig on the other side farder	-	-	35	0	0
By the Walkmilne	-	-	10	0	0
By Gateside & house-at-Rodside	-	-	20	0	0
By the Lyne-Tullochcoy	-	-	43	10	0
Total			332	17	0

By peats, wherof the number
of the loads pd by the tenants
yearly ther teen score of loads.

By harvest work sixteen
hooks, one day ;

By the lentrane work, Eight
horses with hands to
work them with, in the
muck midden."

A more particular and detailed account of the Rental, with conditions and prospects of the property, was drawn out in the following spring, which will not be without some general interest as showing the state of agriculture, and the nature of the holdings and rents a century and a quarter ago. The value in sterling money, exclusive of the services, of the yearly rents was almost exactly £26—a sum which was then worth probably many times the amount at the present day.

"19th Februry 1772 RENTAL of the LANDS of TULLOCHCOY		Men, Oxen & horses in Har- vest.	Hooks in Har- vest.	Loads of Peats.	Money Rent Scots.		
John McPherson in Mains of Tullochcroy, - - - -		2	4	60	93	9	...
Allan Coutts, there, - - - -		...	...	20	27	...	...
Thomas McDonald in Wester Tullochcroy, - - - -		2	4	60	55	18	...
Donald Coutts in Balnalan, -		2	4	60	48	...	...
The Loin, now waste, John Mc- Pherson, the last Tenant, who removed from it Whitsunday last, paid, - - - -		2	4	60	43	10	...
The Half of the Straans, possess by Thomas McDonald and John McPherson, they pay £5 each for it		...	...	...	15	...	...
The other Half of the Straans, possest by John Davidson Millart at Milne of Inver, for which he pays		...	...	...	20	...	...
The Wauk Milne wants a Ten- ant just now, but paid when sett -		...	...	...	10	...	...
Janet Lamond for the Stone houses at the road side - -		...	...	...	3	12	...
James Bowman at Gate side -		...	...	...	16	13	4
Totall -		8	16	260	£333	2	4

Deduce Publick Burdens:—

Stipend - -	£11	13	8	}	—————	£21	16	1
Feu Duty - -	8	6	8					
Schoolmr's Salary	1	15	9					

Remains of free Rent - - - - - £311 6 3

N.B. The above men & horses in Spring are for putting out the dung on the Heritor's Land in the time of the Bear Seed¹

"There are no Tacks on the Lands except a Liferent Tack that Tullochcoy's Sister has, who is married to Donald Coutts within mentt; and about seven years that's to run of Thomas McDonald's Tack—Att the expiration of Donald Coutts's wife's Tack, it will rise to about twenty pounds Scots more. It was sett by Old Tullochcoy to her and her former husband, who was also Donald Coutts, and the longest liver of them both; & it may be presumed by any body who knew old Tullochcoy that he would not sett it but at a very easy Rent, especially to his Daughter.

"Thomas McDonald's possession will rise to about five pounds Scots yearly more.

"The Lands are very improveable. The purchaser may, by enclosing and improving, increase greatly the Rent—There is also on the Lands a good deall of fine Birch wood acknowledged to be the best in the whole Country. It will give the Heritor upwards of 3000 mks once in the twenty years.

"The Tennants pay the Cess.

"The Straans are the low grass ground lying by the side of the Burn and marching wt. Invercald's lands of Inver."

The family of Tullochcoy trace from the Inverey branch of the Clan. James the first of Inverey had by his second wife—Agnes Ferries or Ferguson, daughter of the minister of Crathie—three sons:—

- I. Lewis or Ludowick, 1st of Auchindrine,
 - II. James 1st of Tullochcoy,
 - III. Donald, who died unmarried;
- and three daughters.

¹ At that time and for nearly half a century later, bear was the crop most relied on for rent, and to the cultivation of which most attention was given. As yet neither potatoes nor turnips had been introduced as a field crop, and the farm manure was applied to the fallow on which the bear was to be raised. Hence the common saying, "When the muck's out the bear-seed's done." The bear was also the most marketable of the farm produce. It was sold as grain, as meal, and as malt, which last in the days of the smuggling rose to a very high price,

In the Poll Book (1696) Ludowick Farquharson is styled of Tullochcoy, and his valued rental is stated at £90; the rate on which payable by his six tenants is 18 shillings.

Next follows, on the same property, his younger brother, who is entered as already stated:—"James Farquharson of Tullochcoy, for heretor & general poll—£4 0 0."

He is said in the Poll Book to have a wife and three sons, James, David, and John. His wife was Agnes Ochterlony, daughter of the minister of Fordoun; but there is some mistake about the name of the third son, who in the family chart is called Alexander. He became a surgeon and died abroad. David married a daughter of Thomas Gordon of Crathie or Cra'hienard, and had issue.¹

James 1st of Tullochcoy was the fourth son of James 1st of Inverey, there having been two sons, William and John, by his first wife, Catherine Gordon, a daughter of the laird of Abergeldie.

James of Tullochcoy was succeeded by his eldest son, also James, who married May or Marjory Farquharson, daughter of Charles of Monaltrie, and had with her a large family. This is the James mentioned in the Charter of June 1755, and is also the "Old Tullochcoy" referred to in the above Rent roll.

The description of the property given above was, as it indicates, with the view of exposing it for sale. It was purchased by Mr. Farquharson of Invercauld, who, as appears from other documents, held some bonds on it. It is not quite clear what was the full amount paid for it. The balance due at settlement—if it was not also the full price—is shown by a bill granted by the purchaser to the disposer. As it casts some interesting light on the manner of transacting such business at the period to which it refers, it is here recorded in due form. It bears no stamp:—

¹ Their nephew, Thomas Gordon, born in 1743, succeeded his father in the property of Crathienard, but qualified for the ministry. He graduated at Marischal College and University in 1761; was licensed by the Presbytery of Kincardine O'Neil as Missionary in Crathie (Braemar) 1767; he removed afterwards to Glenmuick (Glengairn), and was presented to the Parish of Aboyne by Charles, Earl of Aboyne, as colleague and successor, in April 1784. He married Elizabeth Michie, and died in 1826, in the 83rd year of his age and 42nd of his ministry in Aboyne, leaving a son, John, who went to Jamaica, and several daughters,

"Balmoral 4th November 1772

Against the twentieth of December Seventeen hundred & Seventy two years pay to me or order at the Coffee house in Aberdeen Six hundred pounds Sterling value due to—

To James Farquarson of
Invercauld Esqr.

Peter Farquarson.
~~accepts Jas Farquarson~~"

The back contains the following notes :—

"Pay the Contents to John Forbes of Bellabeg or order, value Received—
Peter Farquarson."

"Pay the Contents to Mr. George Forbes, Minister of Leochel, or order, Value Received

John Forbes."

"Aberdeen 22 Decemr. I have Received payt. of the Contents Pd.
Geo : Forbes."

John Forbes of Bellabeg, father of the founder (also John Forbes) of the great commercial house of Forbes & Co., Bombay, was father-in-law to Peter Farquharson of Tullochcoy—a relationship that was afterwards of benefit to Farquharson's descendants.

Mr. George Forbes, minister of Leochel, was elder brother of John of Bombay, and father of his successor, Sir Charles Forbes, Bart., of Newe & Edinglassie.

The date of this bill, "Balmoral, 4th Novr. 1772", is interesting in regard to the connection of the Inverey Farquharsons with Balmoral. It appears to indicate that Peter Farquharson had already in November 1772 left Tullochcoy, and was then staying at Balmoral with his second cousin, Alexander Farquharson of Inverey. Balmoral, or (as it appears to have been at first generally written), "Balmurell" or "Balmurrell," came before the end of the 17th century into the possession of Charles Farquharson, grandson of the first Inverey and half-brother of John, the "Black Colonel," probably through an intermarriage with one of the Gordons of Abergeldie. Charles was succeeded by his nephew, James Farquharson of Balmurrell, who was "out" in the risings both of 1715 and 1745, was severely wounded at Falkirk in January 1746, and was thereby, and also probably by advancing years, precluded from taking any further part in that campaign and from being present with the clan at Culloden. He died soon afterwards, and by his death and that of his nephew, Finlay of Inverey, the descendants of the first Inverey by his first wife, Catherine Gordon, became extinct. The estates of Inverey and Balmoral then fell to Alexander Farquharson, the third Laird of Auchindryne, descended from the first Inverey by the latter's second wife, Agnes Ferguson. It was this Alexander who was second cousin of Peter of Tullochcoy, and who was at Balmoral in 1772. As one or more members of his family, whether of Inverey, Balmoral, or Auchindryne, had taken part in every rising in the Highlands, first under Montrose in 1645, then under Dundee in 1690, and afterwards in 1715 and 1745, and all invariably on the Stuart or losing side, they must have suffered considerably both in person and estate. Although for many years owners of and resident at Balmoral, these Auchindryne-Invereys always designated themselves simply as Farquharsons "of Inverey." Alexander was succeeded by his son James, who sold Inverey, Balmoral, and Auchindryne to the second Earl of Fife, and

removed from Balmoral towards the end of the last century to Bruzie, in Old Deer, a property which he had acquired from Farquharson of Monaltrie by exchange for Tullich and Ballater, which up to that time had been Inverey property. He died about 1820 at Jock's Lodge, near Edinburgh. His younger brother Lewis had adopted the surname of Innes on succeeding a cousin of that name in the properties of Balnacraig in Aboyne and of Ballogie in Birse. He died in September 1830, the last of the Auchindryne-Inverey Farquharsons. On his death the representation of the Inverey branch of the Clan fell to the family of Tullochcoy.

It is singular that although the senior Inverey and the junior Tullochcoy families were both Protestant, as indeed the other principal Farquharson families have always been, all the Auchindryne Farquharsons, from the first Ludovick or Lewis of about 1680 down to the last Lewis Innes of Ballogie, who died in 1830, adhered to the Roman Catholic faith. The Rev. John Farquharson, a Jesuit, is stated in "Browne's History of the Highlands" to have been a missionary in Strathglass, where before 1745 he made a large collection (afterwards unfortunately lost) of Gaelic poetry; to have been afterwards in 1763 "Prefect of Studies" at Douay; and to have retired from there to Deeside in 1773. He died in August 1782 at Balmoral, as "Chaplain to his nephew, Alexander Farquharson, Esq. of Inverey." His younger brother, Charles, also a Jesuit, died as Roman Catholic missionary at Braemar, in Novr. 1799, after his grand-nephew James had sold all the Inverey lands in Upper Deeside to the Earl of Fife.

The old Tullochcoy family is now represented by Francis Farquharson of Belnabodach, Strathdon, the farm to which his great-grandfather, Peter, retired on disposing of Tullochcoy in 1772, and which he himself has in more recent times purchased from the present Duke of Fife. There are several collateral descendants in the same degree of consanguinity occupying responsible positions in the country, two of whom are members of the New Spalding Club.

A curious coincidence has recently occurred in connection with the above mentioned family of Forbes of Bellabeg. The elder brother of John Forbes of Bomlay, mentioned in these papers, was the Rev. George Forbes; the grandson of the latter, General Sir John Forbes of Inverernan, was on 3rd June, 1899, awarded the Grand Cross (Military) of the Order of the Bath. An elder sister of the same John Forbes, Anne, married James Gordon of Croughly in Kirkmichael, Banffshire; her grandson, Lieut.-General Benjamin Lumsden Gordon, was on the same day, 3rd June, 1899, appointed a Knight Commander (Military) of the same Order. Another elder sister of the same John Forbes, Isobel, married, as appears from these Tullochcoy papers, Peter Farquharson of Tullochcoy; her great-grandson, Colonel John Farquharson of Corrachree, was on the same day, 3rd June, 1899, appointed a Knight Commander (Civil) of the same Order. Considering the very small number of these distinctions (G.C.B. and K.C.B.) which fall to be annually distributed, and the very large number of naval, military, and civil servants of Her Majesty, as well as of distinguished persons in private life, who have claims to receive them, it is somewhat remarkable that three of them should on one and the same day fall to the descendants of a brother and two sisters of a family settled more than one hundred years ago in a remote corner of Aberdeenshire. Two of the above officers still remain locally connected with the north; Sir John Forbes having inherited from his mother, a descendant of the old Skellater line, the estate of Inverernan, in Strathdon, while Col. Farquharson has inherited from his uncle, Lieut.-Col. John Farquharson, a grandson of Peter Farquharson of Tullochcoy, the estate of Corrachree, in Logie-Coldstone. As to the Croughly Gordons, a distinguished military family, one member of which fought in the Peninsula and another at Waterloo, while other members have fought in more recent wars, no representative is known to be now locally resident either in Aberdeenshire or Banffshire. Lieut.-General Sir B. L. Gordon is resident in England.

WOODS AND GRAZINGS.

CORRIEVOUIE.

Marches, rights of grazing, and forest rights, as already noticed, were a fruitful source of disagreement between neighbouring proprietors, and sometimes between vassals and the Superiors. Previous to the beginning of the 17th century, the Earl of Mar had been in the way of granting properties of small extent for services rendered and to be rendered, often also for money lent, or for an annual payment by way of feu duty. These properties or lands were held on verbal missives, and there was little wonder that afterwards when written charters were granted much misunderstanding should have arisen about previous privileges granted "by word of mouth."

The following letter refers to a dispute of this nature. It would appear that Charles Gordon of Abergeldie had been chosen arbiter between the parties, and his finding had by no means given satisfaction to the Earl of Mar. The letter is characteristic of the imperious if not bullying temper of the incapable leader of the '15.

LETTER FROM THE EARL OF MAR TO CHARLES GORDON OF ABERGELDIE :—

"Charles,

Since I came here I got yours which indeed surprises me as much as the deforcement did, for you not only vindicat the action but says that Invercald has right to the Corivows which he does not himself pretend as you may remember he acknowledged to me when he made me that discreat visit at Alloa two years ago.

"As for the grazing his own cattle there I do not controvert, but at that time he told me he had no right for any other but a mere tolerance his mother had by word of mouth from my father. The Corivows were alwise in use to be driven ; and he cannot pretend that I did not discharge any lowland cattle to be grazed in Braemar this year ; for my order thereanent was intimat at the Church doors and to every one of the grassers, tho' Invercald did what he could to hinder it. To make a long tale short, Charles, this affair is past redding espeatially considering their justifieng the thing, and either they or I shall be master, for I'm wearie liveing betwixt hawk and bussard. You may choise as a nighbour wch to join

with—Invercald or I, and I shall be glade to know yr choise you make for yr. self.

I am

Yr humble servant

Mar

London

November 6th 1705."

The Earl of Mar, who was then Secretary of State for Scotland, was resident in London. His letter is directed to Abergeldie, where it arrived on 26th November, thus taking 20 days on the way. The Lady of Abergeldie forwards it to her husband, who was in Edinburgh on this and other matters, with the following observations which do her credit :—

"My dearest,

• This morning the inclosed came to my hands, and finding the bearer going for Edr. I thought fit to send it to you lest ye might have use for it in managing the affair ye went thither for. All things here continue as you left them, and the Lady Invercald is on the mending hand. I shall wish ye make all haste to come home ye can. Your children are, blessed be God, in good health.

"Wishing the Lord may be with you and restore you and those in company with you to your own again and grant us a happy meeting,

I am,

My dearest,

Abergeldie

26th Novr,

1705

Your most affectionate,

Spouse

Rachel Gordon

"My dear, with all the trouble you have buy me an Apron of coloured Irish (Highland) tartan or cailigo. Give my service to Invercald and Inverey."

This is delightful. When the great Earl of Mar is scolding and threatening her husband, who, with Invercauld and Inverey, the three largest proprietors on Upper Deeside, is compelled to go to Edinburgh in defence of their rights, the Lady of Abergeldie in her sympathetic letter puts in a postscript, where proverbially the pith of a lady's communication is generally placed, the modest request,—“buy me a tartan Apron.”

The simplicity of the tastes and lives of the gentles of those days could not be better illustrated.

Rachel Gordon was not, like several in that and some in later times, raised from a humble position. She was the heiress of Abergeldie, and

it was through her that her husband obtained the estate. The Gordons of Abergeldie were a very ancient family, descended from Sir Alexander Gordon, second son of the first Earl of Huntly. The fifth in descent from him was John Gordon of Abergeldie, who, dying without issue, the estates and representation of the family devolved on his sister, Rachel, who married Captain Charles Gordon, son of Peter Gordon of Minmore, a cadet of the ducal family.

Captain Charles Gordon was a capable man of affairs, and of high reputation for judgment and justice throughout a very wide district. Indeed during his time no man bulks more largely in that part of the country as a counsellor, a referee or an arbiter—a position not easily sustained at a time when a litigious spirit was peculiarly rampant.

The “Lady of Invercald” referred to was Isobel Burnet, eldest daughter of Sir Alexander Burnet, Bart. of Craigmyle, and first wife of John Farquharson of Invercauld.—*See Family Papers.*

The litigation to which the preceding letter refers, so far as John Farquharson of Invercauld was concerned, originated in a disputed right of pasturage claimed and exercised by him in the Glen of Corrivows. Before the case came into court it very nearly led to bloodshed between the contending parties. As presented to the judges it took the form of an

“INSTRUMENT AND PROTEST :

KENNETH MCKENZIE

Against

JOHN FARQUHARSON OF INVERCALD

with his answers thereto.”

Kenneth McKenzie of Dalmore, now Mar Lodge, who was acting under instructions received from the Earl of Mar, sets forth :—

“Att and upon the ground of the Queenes forest of Corriwue belonging heritable to ane Noble Earle, John, Earle of Mar &c, the first day of August one thousand seven hundereth and fyve yeirs, And of her Maties reigne the fourth year. IN PRESENCE of me, nottar public, and witness under subscribing. Compeired personallie Kenneth McKenzie of Dalemor, fforrester to the sd. Noble Earle his haill woods, parks and forrests within the Earledome of Mar, And past to the personall presence of John Farquharson of Invercald. And then and there the said Kenneth McKenzie openlie declaired himself in the words verbatim following viz : ‘I haveing received ane missive letter from my master, the sd. Noble

Earle, daited at Edr. the eleventh day of July last by past (which heir I present to you, nottar publick, to be sein and read) wherin I am expressly ordered to dryve his cops, forrests, gather together the bestiall therin, and to take bands from the owners to answer to the Courts for them, when called. And for these goods that no persons ownes, nor will grant oblidgement therefore, to send them straight to Alloa.'

In obedience to which letter I did yesternight—I did convey some of the Earles servants and tenants with my own, And have gathered all the goods I could find in the sd forrest to this place, and have agreed with severall persons, owners therof, And ordered the Clerk to write oblidgements in the termes of the sd letter. I have severall times this day offered to you, the sd John Farquharson of Invercald, the haill bestiall not only belonging to yourself but also to low Country men which ye have in grassing, upon your granting of ane oblidgement therfore which ye have altogither stiffe denied, And on the contrairie hath gathered together ane convocatione of her Majesties leidges to the number of three or four hundereth weill armed with guns, swords, targets, durks, pistolls and drawn up with Captaines and Commanders in battle rank, from the sun ryseing to this instant being neir his goeing down, in order for ane onsest to deforce me in executeing my office as fforrester forsaid, wherupon I proceeded to the prosecutione of my orders contained in the said missive letter, And commanded some of the tenants in the Castletoun of Braemar to dryve your sd cattle to Alloa, which they beginning to doe ye immediatly detached from the mayne bodie or convocatione of your men the number of ffiftie or therby, And marching yourself upon their head with ane bagpyper playing, you masterfullie and violently turned and drove back the sds. goods and tennents forsaid who were dryving them, all which was sein by you, Nottar publick and witnesses afternamed, wherfore I find myself obleidged in dutie to take the protestatione following, viz : I protest against you, the sd. John Farquharson for committing ane manifest ryot in gathering and convocating her Majestie's leidges in time of peace ; ffor your comeing in ane hostile manner and masterfullie and violentlie deforcing of me, as fforrester forsd., in executing my office, And for your denyeing and disclaimeing the said Noble Earle, your superior forsaid his authoritie ; And further, I protest against you for all coast with damnadge interest in the hands of you, ffrancis Moir, nottar publick."

Such was Dalmore's account of the affair. Invercauld's was as follows :—

"To which it was answered by the said John Farquharson of Invercald that after he came to his glen of Corriwue he found the said Kenneth McKenzie with a great number of armed men togither with a partie of the Queen's forces, having no warrand, in possession of his proper and grassings cattle upon which the said John Farquharson

desyred by whose warrand he committed such a ryot in medleing with his catle upon the said Sovereign's grassings upon which there was produced a missive letter from the Earle of Mar desyreing the sd. Kenneth Mackenzie to dryve royal catle he fand in his forrest and get oblidgements for the same after the tenor of the sd. missive letter or to dryve them to Alloa, which the said John Farquharson judged to be no sufficient warrand, since it could not be the meaneing of the said Noble Earle to include as ane forrest the grassings of the said Corriwues, the same being always excluded in such dryvings, And his and his predecessors' proper and grassing Catle, peaceable and without disturbance of such orders possest past memorie of man and consequently that the coast, skaith and damnages of the said illegall dryving (being without warrand) might be imputed to the said Kenneth McKenzie alenarly as actor and be lyable for the same. As to the allegat convocatione the said John farquharson denyes the same in respect he came with what partie he onlie brought with him with dogs and provisions in order to hunt with the laird of McIntosh and some of his friends who by appointment did meit the same day, but that they were diverted by the noyse and tumult of the said illegall dryveing. As to the allegat deforce it is positivellie denyed that the said John farqrsen marched on the head of any partie or had any pyper as is allegat, but that he sent a few of his own tennents with his herds to bring back his catle to their pasture being laid aside to that effect by the said Kenneth McKenzie of consent. So that there can be no show of any deforce pretended since there was no violence, threats, stroaks, or ill words past betwixt any of the said parties on aither sides. Upon all and sundrie the answers above writen the said John Farquharson of Invercauld asked and took instruments in the hands of me, nottar publick under-subscribing.

"Thir things were done upon the ground of the said Corriwue betwixt five and six hours in the afternoone plane day, month year of God and Queene's reigne above named and before witnesses viz: Alxr McKenzie of Dalemor, Donald McKenzie jnr, John McKenzie in Glenlue, and William McIntosh of Bordlam, Lachlan farqrsen servitor to the said John farquersone and James Shaw son to Duncan Shaw of Craichnaird witnesses specally called and requyred to the premisses.

"Ita est ut premittitur ego ffranciseus Moir &c.

Fran: Moir, N.P. Etc.

Will Mackintoshe, wittnes."

Kenneth McKenzie of Dalmore, forester &c. foresaid, was the son of John Farquharson's aunt-in-law, his uncle Robert Farquharson's widow having married Roderick McKenzie, Kenneth's father,

The above is a typical specimen of the manner in which the Lords Superior asserted their pretended rights, and the Highland chieftains resisted their claims. It was in some such dispute that, forty years before, originated the quarrel between Inverey and the Baron of Braickly which ended so tragically :

“ We'll fecht them, and shortly the cowards will fly,
So come forth, my maidens, and turn back the kye.”

Although the affair at Corrievouie did not end in bloodshed, it led to a bitter and protracted law suit. A summons was issued at the instance of Kenneth McKenzie of Dalmore against John Farquharson of Invercauld and his abettors, in which all the charges laid against him in the above indictment are repeated and emphasised in the usual verbose legal phraseology of the time.

“ The forsaid persons viz : John Farqyson of Invercauld (William McIntoshe yr of Bordlam with their complices having notice therof, and having to cover their evil designe, given out that they were to go a hunting, they did make an extraordinary convocation of betwixt three and four hundered men armed with &c. And coming in hostile maner and in form of weir to oppose said Kenneth McKenzie &c.”

The persons summoned by name to appear before a Court of Regality in Edinburgh were

“ John Farquharson of Invercauld, William McIntosh yr. of Bordlam, Charles Gordon of Abergeldie, Alexr. Farqyson of Monaltrie, Peter Farqyson of Inverey, The Laird of McIntosh, Donald Farqyson of Camsnakeist, John Farqyson of Allanaquoich, John McIntosh, son to Bordlam, William McIntosh of Balnespick, William Farqyson in Glenlue, and John Ourre *alias* Neil McIntosh.”

The summons is dated 6th November 1705, a few weeks before the Lady of Abergeldie received the scolding letter from the Earl of Mar which she forwarded to her husband, then in Edinburgh on this very matter. The date on which the court was to sit is left blank.

It is perhaps unnecessary to explain why so many of the McIntoshes were accomplices of John Farquharson of Invercauld in the affair of Corrievouie. Both Farquharsons and McIntoshes were branches of the great Clan Chattan, and were thus natural allies. Besides this, there had been for many generations several intermarriages between them,

Invercauld's mother was the daughter of a former chief of the McIntoshes, who had been for several years tutor on the estates ; and we shall hear of more intermarrying in the next generation. Many ties, therefore, of blood and interest brought the two clans into close alliance with each other.

It is worthy of notice that in the ill-advised, ill-conducted, and ill-fated insurrection which this same Earl of Mar organised ten years later, two of the persons here indicated, old McIntosh of Borlam and John Farquharson of Invercauld, played the only heroic and distinguished part, the former as Brigadier General, and the latter as commander of Mar's own regiment in the fatal expedition into England.

The disputes and misunderstandings, already referred to, which arose regarding marches and rights of grazing soon after the granting of the Charters by the Earl of Mar in 1632, though bitter enough for the time, were not prolonged.

A Baron-Baillie Court was then sufficient to settle all differences, and from its decisions there was no appeal. As long as the old Earls of Mar continued to be the Lords Superior, their word was law, and was submitted to in almost every instance, although, as in the case of the Corrievoüe grazings, the Superior himself was a party in the strife. But when the Superiority passed out of the hands of that family, when the old feudal jurisdictions were abolished and all disputes had to be settled in the recently constituted courts of law, the wordy warfare of parties' procurators often hung up a case for many years before a settlement was affected.

The most memorable instance of this kind that occurred within the Braemar bounds of the old Earldom was that known as "*William, Lord Braco Versus Farquharson of Invercauld and others, and Vice-versa.*" It had respect to the ownership of the Superior over firwoods wherever grown, and the rights of vassals to servitude over the Superior's firwoods.

The Extracts here given from the voluminous papers on the subject in the Invercauld repositories, have no bearing on the merits of the case, but simply refer to such incidental matters as illustrate the conditions of the country in its physical, industrial, and social aspects,

Ever since the acquisition of the Superiorities of the Braemar properties by the Earl of Fife, then Lord Braco, in 1725, there had been bickerings between his Lordship's servants and his vassals, the proprietors of the district, in regard to the Superior's forestry rights. The most noted of these disputes was one between his Lordship and Farquharson of Allanquoich. But after the purchase of the estates of Allanquoich, Inverey, Auchendrein, &c. by the Superior, the grounds for the former strained relations between Superior and vassal were removed, and peace for a time secured. A serious disagreement, however, soon after arose between Invercauld and his Superior which led to a protracted law suit. The misunderstanding would seem to have begun in regard to certain fir woods on the property of Allanquoich over which Invercauld claimed a servitude, and on his attempting to exercise this right he was served with an interdict by Lord Braco.

There is among these papers a manuscript Draft copy of the Defences, headed :—

"Edr. 5th Jany.
1758

Defences for James Farquharson
of Invercauld in the process of Declar-
ator brought against him at the Instance
of William, Lord Braco,"

in the case pending before the Lord Ordinary, Coalston. But as the case was appealed to the Inner House, and the printed pleadings before their Lordships are preserved, it will be sufficient for understanding the circumstances of the action to give here the Lord Ordinary's Interlocutor, which was as follows :—

"The Interlocutor
In the cause
Lord Braco v. Invercauld 1759.

"The Lord Ordinary having advised the above debait and heard partys FINDS That the Pursuer has right to the whole firr woods of naturall growth growing or to grow on any part of the Earldom of Marr belonging to the Defender and to cutt and dispose thereof at pleasure (excepting the firr woods growing or to grow between the Easter Garvallt burn and Craigkynock which do belong in property to the Defender) But subject to such timber as the defender may have occasion for for his own

particular use and the use of his tenants for their necessarys in their bigging and labouring of the ground and for these uses only and within the bounds of their severall possessions. But maintains that what timber shall be wanted for said uses can only be taken at the sight of the Pursrs. Baillie or forrester, who is to direct and appoint what timber shall be taken and places from which it is to be taken for the uses foresaid, He acting Bona fide, and no so as to distress the Defender or his tenants emulously with the carriage from long distances where it may be had nearer, and that no timber is to be taken for the uses foresaid by the defender or his tenants without such previous order had obtained from the pursuer's Baillie or fforrester, the fforrester being always obliged to authorise the cutting of such timber as may be fit for the purpose for which it is wanted and in places convenient for the purpose, and with this further provision that in case there shall not be sufficient timber growing on the defender's lands for the uses aforesaid that in that case the forrester shall be obliged to allow them to cut and take away, what is necessary for the purposes foresaid, forth of other woods in the said Earldom, and finds that the Defender is not tited to labour or manure any part of the Lands of Beachan in respect the feu right thereof bears the property thereof to have been disposed allenarly for sheillings, pasturage, and Grasings. But as to the other Lands belonging to the Defender finds that there is no Rule whereby the defender's right of cultivating or ploughing the lands can be particularly restricted and therefore refuses to declare in the generall terms lybelled That the defender has no right to cultivate or plough any part of the Lands adjacent to the woods whereby the encrease of the woods may be prevented, Reserving nevertheless to the pursuer when occasion shall be given for any such complaint to oppose such cultivation or ploughing as shall accord of the law. But finds that the Defender cannot plough or cultivate any ground whereon any firr trees young or old are or shall be growing at the time ; as parties differ in their allegations with respect to that part of the land sett for tillage by the Defender to James Calder within the woods of Ballachbuic, Allows either party to prove their several allegations before answer and assigns the . . . day of And assigns the same day for the pursuer to prove the alledged encroachments on his marches and Grants a conjunct probation to the Defender."

This Interlocutor, in some particulars, was accepted by both parties ; but in others, and especially those on which he reserved his decision or allowed proof to be led upon, both parties appealed to the Inner House, before whom the whole case was again pleaded. The pleadings, as already stated, were printed for the use of the Court, and are as follows :—

" Lord COALSTON Reporter.]

JUNE 24, 1760.

INFORMATION

FOR

James Farquharson of Invercauld, Defender,

AGAINST

William Earl of Fife, Pursuer.

"The Earls of *Mar* were Proprietors of a large Tract of mountainous Country, called *BRAEMAR*, or the *Brae of Mar*, situated in the Shire of *Aberdeen*, and Part of the great Earldom of *Mar*.

"This great Family, according to the Custom of other great Lords in those times, feued out their Lands to sundry their Vassals, and, among others, they feued out to the Predecessors and Authors of *Invercauld*, the Defender, the following Lands, *viz.*

"1^{mo}, The Lands of *Invercauld*, comprehending sundry Lands, Grazings, &c. particularly, the Shealings, Grazings, and Pasturages in the *Glens of Glencalider* and *Corievou*.

"2^{do}, The Lands of *Aberarder*, comprehending sundry Lands. Both these lie in the Parish of *Kindrocht*.

"3^{tio}, The Lands of *Torgalter* of *Wester Micras*, lying in the Parish of *Tullich*, and the Lands of *Richarchary*, lying in the Parish of *Glen-gardyne*.

"4^{to}, The Lands of *Crathie*, lying in the Parish of *Crathie*.

"5^{to}, The Grazings of the *Water of Beachin*, called *Usquikaich*.

"6^{to}, The Lands of *Castletown*, lying in the Parish of *Kindrocht*.

"7^{mo}, The Lands of *Monaltrie* and *Lawsie*, of which *Invercauld* has now only the Superiority.

"All these Lands were held Feu of the Family of *Mar*, by *Invercauld's* Predecessors, down to the Year 1735, when the late *Invercauld* purchased from the Lords *Grange* and *Dun*, the Superiority of all the foresaid Lands, the Property of which he had before; so that this Defender now holds of the Crown his whole Lands in this Country of *Braemar*.

"In the same Year 1735, *William Earl of Fife*, the Pursuer, purchased from the same Lords *Grange* and *Dun*, all the Superiorities belonging to the Earldom of *Mar*, with an Exception of such Superiorities as had been before disposed to *Invercauld*; and he also acquired Right, from the said Lords *Grange* and *Dun*, to the Fir Woods which the Family of *Mar* had reserved to themselves, in the Feu-rights they had granted to their Vassals, as will in the Sequel be more particularly noticed, but with the Burden of a Servitude to these Vassals, upon those Fir Woods, for the Uses of Labouring and Building, as shall be afterwards more fully explained.

"Upon this Title to the Fir Woods, the Earl of *Fife* insists in a Process against the Defender, concluding *inter alia*, That the Pursuer hath undoubted right to the whole Fir Woods, and Fir Trees, growing and to grow, upon the haill Grounds and Lands of the said Earldom of *Mar*, lying within the Parishes of *Kindrocht*, *Crathie*, *Glengardyne*, and *Tullich*, except allanarly the Fir Wood lying betwixt the *Easter Garvall Burn* and *Craigkynoch*, and has good and undoubted Right to cut, fell, or dispose of the same, at his Pleasure, leaving Wood sufficient to answer the Servitude. 2do, That the Heath or Moor Grounds lying within, or adjacent to, the said Fir Woods, upon which any Fir Trees, young or old, do grow, or shall hereafter be growing, ought and should remain unploughed, tilled, used, or set for *Corr. Ground*. And more particularly, that the Defender and his Tenant, one *John Calder*, ought to be decerned to desist from *Ploughing*, *Tilling*, or *Labouring* a Piece of Moor Ground, lately set by the Defender to the said *John Calder*. The Libel contains several other Conclusions, not necessary here to be mentioned, as there is no question at present concerning them.

"It is also unnecessary to set forth to your Lordships, the various Litigation which hath been upon those other Conclusions of the Libel, concerning, chiefly, certain Regulations for restraining the Abuses that might be committed by the Defender's Tenants in the Exercise of their Servitude upon the Pursuer's Fir Woods; which Regulations are now finally settled by Interlocutors of the Lord Ordinary, to the Satisfaction of both Parties. So that the Litigation concerning the Woods, is reduced to these two Points, which the Lord Ordinary hath taken to report, *viz.* 1mo, *How far the Defender has Right to plough or plant any, and what Part, of the Grounds which belong in Property to him, but lie adjacent to, or intermixed with, the reserved Fir Woods belonging to the Pursuer?* And, 2do, *How far he is intitled to take Fir Timber from the Pursuer's other Woods in the Earldom of Mar, when he has Sufficiency of Birch, or other Timber, upon his own Lands, proper for the Purposes of the Servitude?*

"For understanding these two Points in dispute betwixt the Parties, it is necessary that your Lordships should be more particularly informed, 1mo, That in all the Feu-charters of the several Lands above mentioned, the Fir Woods are reserved to the Family, except in the Disposition of the Lands of *Castletown*, from the Lords *Dun* and *Grange*, to the late *Invercauld*, in the Year 1731; by which Disposition it appears, that there are no Fir Woods upon these Lands. But as these Reservations are expressed somewhat differently in the different Charters, there are subjoined hereto Excerpts of the several Clauses of Reservation in these Charters.

"2do, In the Defender's Feu-charter of the Lands of *Invercauld*, there is excepted from the Reservation, the Fir-wood lying betwixt *Easter Garvall Burn* and *Craigkynoch*, the absolute Property of which is

declared to belong to the Vassal : And accordingly your Lordships will observe, that in the first Conclusion of the Pursuer's Libel, above recited, this Fir-wood is expresly excepted.

" 3^{to}, Your Lordships will likewise be informed, that the Servitude to the Vassal is granted in the Feu-charters of all the Lands, *excepting* only the Lands of *Invercauld*, the aforesaid Fir-wood upon these Lands, lying betwixt the *Easter Garvall Burn* and *Craigkynoch*, being granted to the Vassal, in place of the Servitude ; and likewise excepting the *Grazings* of the Water of *Beachin*, called *Usquikioch*, for a Reason to be hereafter mentioned ; but, as the Constitution of this Servitude is expressed in Words somewhat different, in the different Charters, there are hereto likewise annexed Excerpts of these several Clauses, constituting the Servitude.

" 4^{to}, It is likewise material to the present Issue, that your Lordships should be informed, that the Defender, in all his Charters of his several Lands from the Family of *Mar*, hath the free and unlimited Property and Use of the Ground and Land, excepting as to the foresaid *Grazings* of the *Water of Beachin* ; with respect to which there is the following clause subjoined to the reservation of the Fir-woods : ' And for the ' greater Safety and Security of the said reserved Fir-woods present and ' to come, it is hereby expresly provided and declared, that the said *John Farquharson* of *Invercauld*, and his foresaids, shall not anywise labour and ' manure any Part of the said Ground and Grazings, above disposed, *the ' Property thereof aforesaid being disposed allenary for Shealings, ' Pasturages and Grazings.*'—This Clause is contained in a Disposition, of Date the 4th *February* 1731, by the Lords *Grange* and *Dun*, to the late *Invercauld*.

" Having thus stated to your Lordships the Rights of the Parties, with their several Qualities and Limitations, the Defender shall now proceed to state the Argument upon the first Point taken to report, *viz.* Whether the Defender is barred by the Pursuer's Right to the Fir-woods, from using his Property, by ploughing or planting.

" In the *first Place*, The Defender does not pretend to cultivate any Spot of Ground, where Fir-trees are actually growings for the time. His Claim only is to cultivate such Parts of his Property, as are cultivable, though at present they lie uncultivated ; and though it may be true, that, if they were not cultivated, the adjacent Fir-woods would in time spread over them, and render this Country, what it originally was, namely, a wild uncultivated Desert, the Habitation of wild Beasts only. To oppose this Claim of the Defender's, and to insist, that he shall not improve his Ground by Cultivation, but shall keep it as a Nursery or Seed-bed of Firs for the Pursuer, is such a Plea, as, it is believed, never was before maintained in this Court.

"And that your Lordships may be the more convinced of the Unfavourableness of this Plea of the Pursuer, you will please to be informed, that this Country of *Braemar* is one of the most mountainous Countries in *Great Britain*, in which there is hardly any Ground fit for Cultivation, or indeed for the Habitations of Men, except some small Spots of flat Ground, lying upon the Side of the River *Dee*, that runs through this Country; that Piece of Ground particularly where *Calder's* Possession is situated, is the greatest Open upon the River, and the Spot of Ground the most proper for Cultivation of any in that Part of the Country. It is surrounded on all sides by the Defender's Property; and particularly on the South, it is bounded by a Hill belonging to him, where there is Fir Wood, the Property of the Pursuer. And on the North, upon the other Side of the River, there is a great Hill, upon which there is no Wood at all of any kind. So that it is not true, what is alleged by the Pursuer, that this Piece of Ground lies in the Middle of his Fir Woods. It is true indeed, that as it is of large Extent, upwards of 100 Acres, there are some Clumps of Fir Wood here and there in it, with which the Defender does not pretend to meddle. The rest of it is all clear, and, by the Nature of the Soil, as well as the Situation, as fit, or more fit for Culture, than any Ground in that Part of the Country.

"It is plain therefore, that the Pursuer's Plea, if it be well founded, will hinder any farther improvement of this Country by Culture, and by Propagation of a hardy Race of Men, who of late have been so serviceable to their King and Country. This *Calder*, whom the Pursuer wants to turn out, has in the Space of two or three Years, taken in so much of this Ground with the Spade, that he is able to subsist himself, and a Family of nine or ten besides; and it is very plain, that this whole Piece of flat Ground may be cultivated in the same Way, and be the Support of many industrious Families. In doing this, many young Seedlings of Firs would be destroyed, which, if they had escaped the Injuries of the Cattle, might have come to be Trees; and, no doubt, in the Improvements already made, several have been already destroyed, but none that were higher than the Heather, or above the Injuries of the Cattle, which are as destructive to Trees in this Part of the Country, as in any other, in so much, that it is very evident, that, if the Country had been always peopled, and stocked with Cattle, as it now is, those fine Fir-trees, which it has been the Work of Ages to rear, never would have risen.

"The antient Lords of *Mar*, had, as it appears from the old Charters, a Forrest in this Part of the Country, which they carefully preserved, not from any Views of pecuniary Profit, but singly for the Exercise of Hunting, the Occupation then of our Nobility and Gentry, in Time of Peace, by which they fitted themselves for the Fatigues of War. But this Forest of theirs did not come down to the low Country, that was fit for Cultivation, but was confined to the Sides and Tops of the Hills, and

to those Glens which run so far up into the Hills, as to be altogether unfit, both from the Nature of the Soil and Climate, for Cultivation and the Production of Corn. But the Pursuer would extend this Right of Forestry over the whole Country, and make it all a Forest, producing not Game, (*about which, it is believed, the noble Lord is not so solicitous, as those antient Lords were*) but Trees. Had those old Earls carried their Pretensions so far, and insisted two hundred Years ago, that by virtue of their Right of Forestry, or by virtue of this Reservation of the Fir Woods, their Vassals should not cultivate their Grounds that were capable of Cultivation, but should let them lie waste, in order to grow Trees for them, it is evident, that this country would have been a wild uninhabited Desert, all overgrown with Wood.

"Your Lordships will therefore carefully examine, whether you are obliged, by Necessity of Law, to give way to a Plea, which at once puts an End to any further Improvement of this Country by Population, the only substantial Improvement in any Country, in the Defender's Apprehension, and would have prevented it from ever being peopled, had it been started earlier. The Nature of the Pursuer's Right appears to be no other than a Right of Servitude, which he has upon the Defender's Lands, who, as he has the Property, has thereby the superior and paramount Right, to which the Right of the Pursuer must bend, and not the Defender's Right to it. At least, this far is certain, that the Pursuer cannot use this subaltern Right, (let it be called Servitude, or by what other Name he pleases) in Emulation or Derogation of the Defender's Right of Property.

"It is no doubt a very extraordinary Right, such as hitherto has got no Name in Law, and it is believed, is not known but in this single Instance. But surely, it is not a Right of greater Extent, nor of so great, as the Servitude of *ususfructus* among the *Romans*. In Comparison with that Servitude, it may be considered rather as an *usus*, or a Right of using the Thing for a particular Purpose; whereas the *usufruct* comprehended the whole Use and Benefit of the Thing. Now your Lordships know, that by the *Roman* Law, the *Usufructuary* was bound, and even obliged, to find Security, *se usurum & fruiturum boni viri arbitrio*. This is excellently explained in *L. 1. Par. 3. Dig. Usufructuarius quemadmodum caveat, cavere autem debet viri boni arbitratu percepturum usufructum, hoc est, non deteriore se causam usufructus facturum, cæteraque facturum quæ in re sua faceret*, that is, he must manage the usufructuary Subject in the same Manner as he would use his own Property. Or, in other Words, he must follow that Golden Rule of Equity, which directs, that we should do as we would be done by. Now suppose that the Pursuer were Proprietor of the Land, as well as of the Fir Woods, the Question is, in what Manner it would be most profitable for him to use both Rights? And it is believed he will not

maintain, that it would be his Advantage to leave the cultivable part of the Ground uncultivated, for the Chance of Wood arising in it, which might yield Profit at the Distance of a Century. If this were so, it would be the Interest of *Invercauld*, to turn out all his Tenants in that Part of the Country, who pay him about 10,000 Merks yearly, and plant their Possessions with Firs. And if this would not be profitable for the Defender, it would be much less so for the Pursuer, because, as your Lordships will observe, he has no Right to plant or inclose upon the Defender's Grounds, but must take his Chance of the Firs coming up in the natural Way, which, as was observed before, is but small, considering that the Defender has the unquestionable Right of pasturing his Cattle upon these Grounds, which, as they lie low, and produce the best Pasture, will therefore be the most frequented by the Cattle.

"And this being the Case, if the Pursuer were to use his Right as he claims, it would be using it emulously, and in Prejudice of the natural Use and Exercise of the Defender's paramount Right. It would not therefore be using it *secundum arbitrium boni viri*, and it would be the same Case, as if the Defender, by virtue of his Right of Property, should pretend to carry his Culture up the Hills, to such Places where there are perhaps no Trees growing for the present, but where there is neither Soil nor Climate fit for the Production of Corn.

"There may be many cases figured, wherein it might be difficult to determine what the Use of the Right should be, according to this *arbitrium boni viri*; but this is not one of those Cases; for here God and Nature have arbitrated most exactly, and fixed the precise Bounds betwixt what is cultivable and fit for the Production of Corn, and what is only fit for the growth of Trees; for the Hills here are very lofty, some of them as high as most in *Scotland*, and they sink at once by a precipitate Declivity, into those Flats, by the Side of the River, which, as was said before, are the only Ground fit for Cultivation in this Country.

"But, *2do*, not only from the Nature of the Right, but from the Meaning and Intention of Parties, it is evident that the Defender is not debarred from this rational Use of his Property; for, in the *first place*, the Grant of the Servitude upon the Woods, for the Use of building and of labouring, shows very plainly, that it was the Intention of the Granters that there should be Agriculture, and that the whole Country should not be let lie waste, to produce Fir Wood. And this Servitude is so connected with the Right of cultivating and ploughing, that where that Right is not granted, neither is the Servitude upon the Woods. As in the Case of the Grazings of the Water of *Beachin*, where, though the Fir Woods are reserved to the Superior, yet there is no Servitude upon them granted to the Vassal, because he is expressly prohibited to labour and manure them. And, *2dly*, this Intention of Parties appears still more evident from this Prohibition of labouring in the Right to those Grazings, and which was

also formerly in the Rights to the *Glens* of *Corrivou* and *Glencalader*, till it was discharged in the new Right to these Glens by the Earl of *Mar*, in the 1705, to the late *Invercauld* (as may be seen in the Copies of these Writs hereto annexed ;) and for the same Reason, namely, that these Glens, as well as the Grazings of *Beachin*, were Parts of the Forests of the ancient Earls. Therefore, when they feued them out, they very properly restrained the Vassals from ploughing them, both for the Preservation of the Wood and Game, and also because they were really by Nature unfit for Cultivation. But as they adjected no such Prohibition to the Feus of the lower Grounds, which were no Parts of the Forest, and were proper for Culture, it is a Demonstration that they intended no such Prohibition, but, on the contrary, meant to allow these Feuers the free and natural Use of their Grounds.

“ And, *lastly*, this is further confirmed by the Use of Possession that hath been in consequence of these Feus. For it is most certain that the Cultivation is greatly increased in this Country within the Memory of Man, and many Tacks and Possessions have in that Time been either newly set down, or greatly enlarged. On this very Moor where *Calder's* Possession is situated, there is a pretty considerable Tack belonging to the Defender, called *Auchichness*, which is likewise the Name of the Moor. This Tack no doubt was at first what *Calder's* Possession is now, and not only within the Memory of Man, but within these ten Years, great Additions have been made to it out of the Moor ; and even this very Possession of *Calder's* was within the Memory of Man begun to be cultivated, but afterwards deserted, and let lie waste for many Years. Now when all this was done without any Challenge, and not *vi, clam, aut precario*, but openly, avowedly, and without any Leave asked or given, it plainly shows, that it was not understood by either Party that this Reservation of the Fir Woods to the Superior hindered the Vassal from using his Property, in the natural Way. And, *lastly*, the large Tract of Ground, even of such as is not proper for Culture, but only for bearing Firs inclosed and planted by the Defender himself, and to the Trees, of which it is finally determined by the Lord Ordinary's Interlocutor, that the Pursuer has no Right, is likewise a Declaration, *rebus, ipsis & factis*, that it was not understood, that the Feuers, upon whose Grounds the Fir Woods are reserved, were thereby debarred from using their Property, even by planting the Grounds not fit for Tillage, which is more than what the Defender claims at present.

“ In this Manner the Defender hopes he has shown your Lordships that this Plea of the Pursuer's is not only extremely unfavourable, but without any Foundation, either in the Nature of the Right, the Meaning and Intention of Parties, or the Use of Possession had upon it ; which two last, if there were any Ambiguity in the Right itself, would be sufficient to explain it,

"The Defender likewise hopes to make the second Point equally clear to your Lordships, that even when he has Birch upon his own Lands he is not thereby excluded from the Use of the Servitude granted him upon the Pursuer's Fir Woods ; and this he will also endeavour to show from the Nature of the Right granted him, the Intention of Parties, and the Use of Possession.

"As to the first, this Servitude is plainly granted for the Use of *Bigging, and Labouring of the Grounds*, as the Words of the several Clauses hereby referred to plainly express it. But though it be granted for both Purposes, it has been chiefly, if not singly used, for the Purpose of building ; for this plain Reason, that the Birch is by far the most proper for the Utensils of Husbandry, the Fir being of very little Use in that Way. But for the same Reason that the Birch is so fit for making Ploughs and other Instruments of Tillage, it is extremely unfit for making the Roofs of Houses, because, by its Crookedness, which renders it so fit for the Uses of Agriculture, it makes the Roofs uneven, and full of Hollows, and therefore not water-tight ; besides, that it is of no Duration ; and therefore Fir is generally used in this Country, both for the large and small Timbers, unless when either Laziness, or the Difficulty of obtaining it from the Pursuer's Factors, hinders the Tenants from getting it. It is plain therefore, that if the Pursuer were to prevail in this Plea, he would defeat the chief Use and Design of the Servitude, which, your Lordships will observe, is most fully and liberally given, not only over the Fir Woods growing on the Feuer's own Lands, but, if these are not sufficient, over the whole reserved Fir Woods in the Bounds of *Mar* ; so that this restricted Interpretation of the Pursuer's is noways suitable to the Manner in which the Servitude is granted. Nor,

"2do, To the plain Intention and Meaning of the Parties. This is evident, 1mo, For that although there be Plenty of Birch Wood upon most of the Feuers Lands, to which they have Right by Dispositions from the Family of *Mar* for a Price paid, yet nevertheless they got this Servitude upon the reserved Fir Woods, without any Mention of their own Birch Woods, though the Fir Woods growing upon their Lands are particularly mentioned as the Wood that is to be first employed for the Uses of the Servitude ; and particularly there are the Lands of *Castletown*, upon which there are no Fir Woods at all, and for that Reason the Servitude to these Lands is given directly and immediately over the other reserved Fir Woods in *Mar*. Now upon these Lands your Lordships will be informed, that when the Defender's Father, the late *Invercauld*, purchased them, there were two of the greatest Birch Woods in all the Country, one of them called the *Wood of Coripherige*, and the other the *Wood of Tornraw*, the last of which was just ready for cutting at the Time of *Invercauld's* Purchase ; and it was on that account, and for the sake of the other Wood, which, though not so far advanced, was a

more extensive Wood, and is at present a very great one, that he paid 25 Years Purchase for the Land, which at that Time was reckoned a very high Price. And, *2do*, Not only was this Servitude given upon the reserved Fir Woods, where there was Birch upon the Lands, but where there was Fir upon the Lands, and that Fir was given to the Vassal, there the Servitude was not given. This is the Case of the Defender's Lands of *Invercauld*, where, in Consideration of the Fir Woods of a certain part of them being given by the Superior, the Servitude is not given, but, on the contrary the Vassal is expressly bound to provide himself with all Kinds of Timber. All which plainly shows that this Servitude was granted to the Vassals in consideration of the Fir Woods being taken from them, and that the Fir was judged by the contracting Parties to be of absolute Necessity for the use of the Lands, in so much, that even where there was no Fir to be reserved to the Superior, as in the Case of *Castleton*; yet, in order to accommodate the Vassal, he grants a Servitude upon his Fir Woods on his other Lands, though upon these Lands there was the greatest Plenty of Birch. And,

"*3tio*, The Use of Possession has been in conformity, both to the Nature of the Right, and the Intention of Parties; for it will not be denied, that the Tenants of these several Lands have been in the constant of supplying themselves with Fir from the Pursuer's Fir Woods, the notwithstanding, which grew upon their own Lands.

The Defender will add no more upon this Head, except to enter his Caveat, that though the Use of his Servitude has been chiefly for the Purpose of building, yet he does not mean to restrict it to that, but insists to have it in its full Latitude, that is, for the Use of labouring, as well as building: For though the Birch be more generally useful for the Purposes of Husbandry, yet there are some Uses of that kind, for which the Fir is much more proper, as for making moulding Boards to Ploughs, Planks to Lime-carts, &c. for all which Purposes he claims the Use of the Pursuer's Fir Woods.

"The Defender having thus satisfied your Lordships, as he hopes, upon both Points, will not trouble your Lordships with any thing more, except to observe, that although he has, for your Lordships Satisfaction, printed, and hereto annexed, the Copies of the several Clauses in the several Charters and Dispositions, reserving the Fir Woods, and constituting the Servitude; yet he does not think there is any such material Variation in those Clauses, as to vary the general Argument on either Side.

"As to the Lands of *Monaltrie* and *Lawsie*, your Lordships will be informed, that these Lands were long ago subfeued by the Defender's Predecessors, and, for that Reason, he has not the Rights to these Lands in his Hands, and before the Pursuer can insist in any Conclusion against them, he must call the Proprietors of them into the Field.

"And therefore, to conclude, it is hoped your Lordships will have no Difficulty to find, 1mo, That by the Reservation of the Fir Woods, the Defender is not barred from the Use of his Property, by Ploughing or Planting, when that is not done emulously, and with a View to prejudice the Reservation, but *secundum arbitrium boni viri, & tanquam bonus paterfamilias in re sua*. And, 2do, That the Servitude is not restrained to the Case where there are no Birch Woods upon the Lands, which would be putting an End to it at once, as there are Birch Woods upon them all, and which is a Restraint that is neither expressed in the Words constituting the Servitude, nor implied in the Nature of the Right, and is contrary both to the Meaning of Parties, and to the Use of Possession.

"In respect whereof, &c.

J.A. BURNET.

"EXCERPTS from *Invercauld* and his Authors Charters and Feu-rights ; of the Descriptions of the Lands, Reservations of Woods, and Reddendos concerning Cutters and Destroyers of Woods.

'FIRST Precept of *Clare Constat* and *Novodamus* dated 1st March 1707, in favours of *John Farquharson* of *Invercauld*, wherein the Lands, &c. are described thus :

THE Davoch and half Davoch-lands in the *Brae of Mar*, called *Invercauld*, within all the Bounds, Meiths, and Marches thereof, used and wont, comprehending thereintil the Lands and others after specified, *viz.* Il and sundry the Lands of *Benouch*, *Invercharvilk*, *Allanmoir*, *Clunie*, *Calchork*, *Tornrich*, the *Milntown of Invercauld*, *Auchinskench*, *Loinvellick*, *Killoch*, *Invercauld*, and *Achichness*, with the Manor-place of *Invercauld*, Houses, Biggings, Yards, Orchards, Woods, Parks, Mills, Mill-lands, Mutures, Sequels, Tofts, Crofts, Outsets, Parts, Pendicles, Annexes, Connexes, Privileges, and Pertinents thereof whatsoever, used and wont, belonging to the said Davoch and half Davoch of Land, together with the Shealings, Grazings, and Pasturages, sicklike used and wont in the Glens of *Glencalader*, *Glenbegg*, *Corriewou*, *Glenbrowine*, the North Side of the Water of *Baddoch Glencoubulge*, and a Shealing upon the Water of *Gairne*, bewest *Auldphubill*, and a Shealing in *Glenfarder*, called *Reyfreish*, and Pasturages used and wont : And sicklike all and hail the Davoch and two Oxgate of Land in *Aberarder*, set in Feu by our Predecessors and Authors to *Thomas Erskine of Balhagerty*, comprehending thereintil the eight Oxgate of Land of *Bellemoir*, with three Quarters of the Pendicles thereof, *viz.* *Achdavend*, *Rotilloch*, *Croft-sutar*, *Croftfugater*, *Mylecroft*, *Lynagour*, and five Oxgate of Land of *Ballachlagane*, with the five

Oxgate of Land of *Shanvell*, and the Pendicles thereof called *Rynefrew*, and *Cansfrancvell*, with the Houses, Biggings, Yards, Orchards, Woods, Mills, Multure, Sequels, Tofts, Crofts, Annexes, Connexes, Parts, Pendicles, and all their Pertinents, together with Shealings, Grazings, Pasturages, used and wont in *Lettrettyne*, *Rundow*, *Boumach*, *Achlarne*, *Badblad*, *Badromeald*, and *Reindonbrout*, on the North Side of the Water of *Gairne*: Likeas, all and haill the just and equal fourth Part or Quarter of the Town and Lands of *Bellemoir* in *Aberarder*, with the fourth Part of the Pendicles thereof, *viz.* *Achdavent*, *Rotilloch*, *Croftsutar*, *Croft-fugater*, *Milecroft*, and *Loynnagour*, extending in the haill to two Oxgate of Land, with an proportional Part of the Mill of *Aberarder*, Multure and Sequels of the said two Oxgate of Land belonging thereto, with Houses, Biggings, Yards, Orchards, Tofts, Crofts, Parts, Pendicles, Annexes, Connexes, and all their Pertinents, with Shealings, Grazings, and Pasturages, used and wont in the Glens of *Lettrettyne*, *Rienduy*, and *Bowmach* in *Glenfarder*, all lying within the Parochins of *Kindrocht* and *Crathie*, Earldom of *Mar*, and Sheriffdom of *Aberdeen* foresaid, together with the Teinds, both Parsonage and Vicarage, of the said haill Lands, and others above written, with the Pertinents: And also, all and haill that Pendicle of Land called *Aldavait*, with Houses, Biggings, Yards, Shealings, Grazings, and Pertinents thereof, lying within the Parochin of *Kindrocht*, Earldom of *Mar* and Sheriffdom of *Aberdeen* foresaid, as the samen was possessed by *Alister Macinvegg*, alias *Macdonald*, Tenant and Possessor thereof, the Time of granting the Disposition aftermentioned, together with the Tiends, both Parsonage and Vicarage of the said Pendicle therewith included, to the which Pendicle and Tiends thereof, the said *John Farquharson* of *Invercauld*, has Right, as Heir in general served and retoured to the deceased *Alexander Farquharson* of *Invercauld*, his Father, who had Right to the same by virtue of a Disposition granted by the deceased *Charles*, Earl of *Mar*, our Father, to him, thereanent, dated the 22d Day of *September*, 1676 Years: And sicklike all and haill the *Birk Woods*, and *Trees of Birk*, of the said Lands of *Invercauld*, and others above expressed, comprchending the said *Davoch* and half *Davoch*, within the Parish of *Kindrocht*: And also the haill *Birk Woods*, and *Trees of Birk*, of the said Lands of *Aberarder*, with the Parts and Pendicles thereof, lying within the Parish of *Crathie*, being twenty Oxgate of Land bounded as follows, *viz.* from the Mill of *Monaltrie* to the *Riebellachlaggan* upon the East Side, and betwixt the Marches of *Ellanmore* and the Head of *Glenchanleck*, on the West Side, upon the North Side of the Water of *Dee*: And the haill *Birk Woods* between the Invar of *Kynachack* and the Easter Garvall Burn; and the haill *Woods*, both *Birk* and *Fir Woods*, betwixt the said Easter Garvall Burn and *Craigkynoch*, on the South Side of the Water of *Dee*; with all Right, Title, Interest, Claim of Right and Property, which we, or our Authors, Cedents or Predecessors, had, have,

or may claim or pretend to have thereto, or any Part and Portion thereof, by virtue of the Clauses or Reservation contained in the former Rights and Infestments of the Lands above named, or any other manner of Way ; reserving always and excepting *the haill FIR TREES AND TIMBER on the East Side of the said Easter Garvall Burn, commonly called the Wood of Ballachbuie, with the haill Fir Woods AND TREES, PRESENT AND TO COME, upon all the saids Lands, with the Pertinents,* (except the Fir Woods betwixt the *Easter Garvall Burn* and *Craigkynoch*) *for the use of us and our foresaids,* to be kept and otherwise disposed upon at our Pleasure, in all Time coming ; and also with this express Provision and Condition, that the said *John Farquharson*, and his foresaids, and the Tenants of the said Lands, shall furnish and provide themselves of *Birk and Fir Timber, for the Use of their Biggings and Labourings, in all things requisite and necessary belonging thereto, in all Time coming, and take none thereof from any of our reserved Woods whatsoever ;* to the which Birk Woods, and others immediately above written, the said *John Farquharson* has Right, as Heir in general, served and retoured to the said deceased *Alexander Farquharson*, his Father, who had Right thereto by Disposition made and granted by the deceased *Charles Earl of Mar*, our Father, to him thereanent, of the Date the 21st Day of *September* 1676 Years, together with all Right, Title, Interest, Claim of Right, Property and Possession, Petitor and Possessor, which we, our Authors, Cedents or Predecessors, or our Heirs and Successors, had, have, or any ways may have, claim, or pretend to the Lands and others above mentioned, or to the Mails, Farms, Profits and Duties, and Casualties of the samen, by reason of Ward, Non-entry, Relief, Escheat, Forfaulture, Recognition, Reductions, Dispositions of the whole or greater Parts of the samen, Nullities of Infestments, Seasines, and Retours, Purpresture, Disclamation, Bastardy, last Heir, not Payment of the Feu-duties, not showing their Holdings, or for any other Cause or Occasion whatsoever, preceeding the Date of these Presents, renouncing, upgiving, overgiving and discharging the same for us, as having Right in Manner above written, and our foresaids, in favours of the said *John Farquharson*, and his above written, in all time coming, *cum pacto de non petendo*, and with the Supplement of all other Defects and Imperfections, which are here holden as expressed.—By the Reddendo, *Invercauld* and his Tenants are obliged to observe and keep the Acts and Statutes of our Courts anent the *Cutters, Carriers, Destroyers, Sellers, or Away-putters of our Woods, under the Pains that shall be set down in the said Acts of Court*, viz. a Mart, or 20 Merks, for the first Fault, two Marts for the second, three Marts for the third, by and attour the Value of the Woods ; and if the Tenant or Servant shall not be worth the Unlaw, the Master is obliged to deliver them to the Superior or his Baillie, or else cause them to be banished out of the Bounds, and intimate the same at the Parish Kirk Door, or else

pay the Unlaw themselves ; and whoever resets them shall be liable in an Unlaw of 10*l.* Scots for ilk time he resets them.

" *FOLLOWS the Tenor of a Disposition and Renunciation by the said John Earl of Mar, to the said John Farquharson, dated 7th March, 1715 Years.*

" WE do hereby renounce and discharge the Reservations and Restrictions, as to the grazing of stranger Cattle, and removing and altering the Sheals in the Glen of *Corrievou* and *Glencaladar*, contained in the Charters and Precepts granted by us and our Ancestors, to the said *John Farquharson*, and his Predecessors, granting hereby full Power and Liberty to the said *John Farquharson*, and his Heirs and Successors, to labour and manure the said Glens, or pasture and graze all Manner of Cattle therein, sicklike as if no Reservations and Restrictions had been made, but Prejudice always to the Reservations and Restrictions contained in the said Charters, in relation to the Glen, called the *Baddoch*, which notwithstanding hereof, are to be continued in all subsequent Charters. And further, for the Causes foresaid, we do hereby give, grant and dis-pone, to the said *John Farquharson*, and his Heirs and Assignees, heritably and irredeemably, without any Manner of Reversion or Redemption, all and haill the saids two Glens of *Corrievou* and *Glencalader*, lying within the Parochin of *Kindrocht*, Earldom of *Mar*, and Sheriffdom of *Aberdeen*, as the samen is presently possessed by the said *John Farquharson* and his Tenants, together with the Tiends, both Parsonage and Vicarage of the saids Lands, therewith included, to be holden of us, and our Heirs and Successors, in Feu-farm and Heritage for ever, to be conjoined and ingrossed together with the remanent Lands belonging to him in Property, within the said Parish of *Kindrocht*, in the first Charter or Precept, which he or his foresaids shall purchase, and take from us, or our above written, for yearly Payment of the Feu-duties and Tiend-silver, for Parsonage and Vicarage-teinds, particularly mentioned in his Feu-infestments of the Lands of *Invercauld*, and upon the rest of the Conditions and Prestations therein contained, in all Points.

In a Charter of Resignation, by Lords Grange and Dun, in favours of the said John Farquharson, dated 4th March 1726. The Lands, &c. are described as follows :

ALL and haill the Lands of *Torgalter* of *Wester Micras*, extending to four Oxgates of Land. And also all and haill these four Oxgates of the Town and Lands of *Wester Micras*, some time possessed by *Robert Machardie*, Portioner of *Crathienaird*, and *Elizabeth Erskine*, his Spouse, and thereafter by *Charles Machardie*, their second lawful Son, and their Tenants, extending together to eight Oxgates, or half a Davoeh of Land,

with Houses, Biggings, Yards, Outsets, Insets, Mosses, Moors, Woods, Mills, Mill-lands, Multures and Sequels thereof, Annexes, Connexes, Shealings, Grazings and Pasturages, used and wont, in *Sleach, Rientatnach, Corriequholdich, and Crort of Badquharn*, effeiring to the said eight Oxgates of Land, Parts, Pendicles, and universal Pertinents of the same, all lying within the Parochin of *Tulloch*, Earldom of *Mar*, and Sheriffdom of *Aberdeen*, reserving always to *Patrick Fleming* in *Auchentoul*, the said *Charles Machardie*, his proportional Part of the laboured Lands within the Dikes of the said *Sleach*. As also, his proportional Part of the *Crort of Badquharn*, with their Pertinents, both disposed by the said *Charles Machardie*, to the said *Patrick Fleming*. And sick-like, all and haill the Town and Lands of *Riecharcarie*, with the Pendicle thereof, called *Torran* or *Tomn*, extending also to half an Davoch, or eight Oxengate of Land, with Houses, Biggings, Yards, Woods, Mills, Multures, Annexes, Connexes, Parts, Pendicles, and all their Pertinents, lying within the Parochin of *Glengardyne*, Earldom of *Mar*, and Sheriffdom of *Aberdeen*, together with Shealings, Grazings, and Pasturages, used and wont in *Glaschell* and *Corriebeg*, alias *Ryne-glass*, reserving Peat-leave of the Moss of the said Lands of *Riecharcarie*, to the Tenants of the Lands of *Rienabroigh, Inverenzie, and Ardachy*, according to use and wont. And also reserving to us, and our foresaids, the haill Fir-trees, present and to come, growing upon the lands above disposed. In the Reddendo, the Words concerning the Woods are as follow: 'And the said *John Farquharson*, and his foresaids, and the said 'Tenants, shall be holden and obliged to keep the Acts and Statutes of 'our Courts, anent such as shall shoot at or hunt Deer, &c. &c. And 'anent the Cutters, Carriers, Destroyers, Sellers, or Away-putters of our 'Woods, within the Bounds of *Mar*, under the Pains that are or shall be set 'down in the said Acts of Court.' And towards the End, the said Charter of Resignation declares, *That it shall not be leisome or lawful for the said John Farquharson, or his foresaids, to cut, fell, or give away the growing Fir Trees of the said Lands, but allenarly for their own Use, in their Biggings and labouring of the Ground, for the Necessaries of them, and their Tenants. And if it shall happen them not to have sufficient Trees and Timber growing within their said Lands, for the Use of their Biggings and labouring of the Ground, in that case we bind and oblige us, and our foresaids, to permit them, at the Sight of our Baillie and Forrester, to cut and take away the said Necessaries, for the Use above written, forth of our reserved Woods whatsoever, within the Bounds of Mar.*

"In a Precept of clare constat, granted by the saids Lords Grange and Dun, in favours of Robert Farquharson of Auchreachan. The Lands, &c. are as follows.

"ALL and haill, the half Davoch-land of *Crathie*, with the Pendicle

thereof, called *Tomydow*, extending to eight Oxgates of Land, some time occupied (by) *Umquhile John Farquharson* in *Crathie*, and with Houses, Biggings, Yards, Orchards, WOODS, Parks, Moors, Mosses, Outsets, Tofts, Crofts, Annexes, Connexes, and all their Pertinents used and wont, together with the Shealings, Grazings and Pasturages, used and wont in *Aldavaid*, on the North Side of the Water of *Gardyne*, and in *Riechrachie*, and with Liberty to cast and winn Peats in the Moss of *Crathienaird*, and Gate-leave used and wont, to and from the said Moss, and to cast Feal and Divot on the Commonty, betwixt *Crathie* and *Wester Mucras*, used and wont for the said *William*, his Heirs and Assignees, and their own Tenants Use, and for the Use of the *Minister*, lying within the Parochin of *Crathie*, Earldom of *Mar*, and Sheriffdom of *Aberdeen*, reserving always to the Granters of the said Infeftments, their Heirs-male and Successors, the haill growing Trees then present, and to come, of the foresaid Lands. And also, all and haill, the Tiends, both Parsonage and Vicarage, of the forenamed Lands, and others above written, with the Pertinents. The Reddendo here, *quoad* the Woods, is in the very Words of the Charter, immediately above recited, from A. to B. Page 7th, and then, towards the Conclusion, it declares, *That it shall not be liesom nor lawful to the said Robert Farquharson, or his foresaids, to cut, destroy, sell, or give away any of the growing Fir Trees of the forenamed Lands, but allenarly for their own particular Use, and the Use of the Tenants, for the Necessaries in their Biggings and labouring of the Ground, in that case we bind and oblige us, and our foresaids, to suffer and permit the said Robert Farquharson, and his foresaids, at the sight of our Baillie and Forrester, to cut and take away the said Necessaries, for the Uses above written, forth of our reserved Woods whatsoever, within the Bounds of Mar.*

" The Disposition, dated the 4th February, 1731, by the said Lords Grange and Dun, to the said John Farquharson, runs in the following Words:

" WE Mr. James Erskine of Grange, and Mr. David Erskine of Dun, do hereby convey and dispoine, to and in favours of the said John Farquharson, his Heirs and Assignees whatsoever, heritably and irredeemably, (but with and under the Reservations, Provisions and Conditions under-written,) the whole Grounds and Grazings of the Water of Beachan, commonly called Uskaich, marched on the West, as Wind and Weather shears, with Altanabin, and from thence in a direct Line, from the Top of Cairndrochet, as the same (is) presently cairned and marched with John and Joseph Farquharsons of Allanquhoich; and on the North, as Wind and Weather shears, with Glenavon; and on the East and South, with the Sources of the Water of Gardyne and Glencanloch, belonging in Property to the said John Farquharson of Invercauld, all lying in the Parochin of Kindrocht, and Sheriffdom of Aberdeen, reserving to us, and

our Successors in the said Estate of *Mar*, the Property of the haill *Fir Woods and Trees* growing, or that shall happen to grow upon the haill *Grounds and Grazings* above disposed. And for the greater *Safety and Security* of the said reserved *Fir Woods*, present and to come, it is hereby expressly provided and declared, that the said *John Farquharson of Invercauld*, and his foresaids, shall not any ways labour and manure any Part of the said *Ground and Grazings* above disposed, the Property thereof aforesaid being disposed allenary for *Shealings, Pasturages and Grazings*.

“*Contract of Sale of the Lands of Castletown.*”

“By this Contract, which is dated the last Day of *July* and 6th Day of *August* 1731, and registrate in the Books of Session the 5th *January* 1733, entered into betwixt the saids Lords *Grange* and *Dun* on the one Part, and the said deceased *John Farquharson of Invercauld* on the other Part, the saids Lords sold, annailzied and disposed to, and in favours of, the said *John Farquharson*, his Heirs and Assignees whatsoever, all and haill the Davoch Land in *Brae of Mar* called *Castletown, Bellachlaggan, Ardachee*, and *Tomniraw*, with the Mills of *Castletown*, Mill-lands, Multures, and Sequels thereof, the Towns and Lands of *Glencluny, Newbigging, Corielairick*, with the Parts, Pendicles, and Pertinents thereof, and with Liberty to build a Mill thereon, Multures and Sequels of the same. AS ALSO, all and haill the Lands of *Glen of Baddoch*, on both Sides of the Water thereof, and whole Sources of the same, bounded as follows. (Here follow the Boundings of *Glen of Baddoch*, concerning which there is no Dispute.) AND ALSO, an Right of shealing and grazing the whole Cattle, great and small, of one Plough, either of the saids Lands of *Castletown*, or of the Plough of the Lands of *Corielairick*, in the Option of the said *John Farquharson* and his foresaids, in the *Glen of Eye*, providing always, that if the said *John Farquharson*, or his foresaids, shall make Choice of the said Right of Grazing, to one of the Ploughs of *Castletown*, that in that Case the Heritor of *Corielairick* shall be free of a Right of Tolerance granted to the Tenants of *Castletown*, out of the Moss of *Corielairick*, with the Salmon-fishings in the Waters of *Dee* and *Cluny*, with Castles, Towers, Portalices, Manor-places, Houses, Biggings, Yards, Orchards, *Birk Woods*, Mosses, Moors, Meadows, Parts, Pendicles, and universal Pertinents of the same, all lying within the Parochin of *Kindrocht* and Sheriffdom of *Aberdeen*, together with the Tiends, both great and small, Parsonage and Vicarage, of the said haill Lands, together with all Right, Title, Interest, Property and Possession, Petitor and Possessor, which the said *James* and *David Erskines* had, have, or anyways may have, claim, or pretend, to the Lands, Tiends, and others above written, with the Pertinents: RESERVING always to the said *James* and *David Erskines*, and their foresaids, the Use of the House

called *The Court-house*, in the said *Castletown*, for the holding of their Courts therein, as oft as they shall have Occasion for the same, with free Ish and Entry thereto. *There are no Woods reserved here.* In the Reddendo, the Clause anent the cutting and destroying Woods, is *verbatim* the same with that in the Charter of *Torrigalter*, Page 7th, from A to B. And there is a Clause in these Words: *And in regard there are no Fir-woods growing upon these Lands, James and David Erskines, bind and oblige them, and their foresaids, to permit the said John Farquharson, and his foresaids, and their Tenants, to cut and take away Necessaries for Building and Labouring, out of the said James and David Erskines their reserved Fir-woods.*

"By a Disposition, dated 25th July 1735, and registrate in the Books of Session the 4th August thereafter, the said Lords Dun and Grange

"SOLD, annalized, and disposed to and in favours of the said deceased John Farquharson of Invercauld, and his Heirs mentioned in the Substitution therein contained, the Superiority of all and haill the Lands of Invercauld, Beachan, Castletoun, Glen of Baddoch, Aberarder, Monaltrie, Crathie, Lawsie, Wester Micras, Torrigalter, and Richarcary, with the Parts, Pendicles, and Pertinents of the same, as contained in the Rights, respectively above recited, of the said haill Lands, in favours of the said John Farquharson and his Predecessors, together with the whole Salmon-fishings, WOODS, and others, within the Bounds of the whole Lands above disposed; together also with the whole Castles, Towers, Fortalices, Manor-places, Houses, Biggings, Yards, Orchards, Mosses, Moors, Meadows, Grazings, Shealings, Annexis, Connexis, Tenants, Tenandries, and Service of Free Tenants, Parts, Pendicles and Pertinents of the said whole Lands above disposed, together with all Right, Title or Interest, Claim of Right, Property or Possession, which we had, have, or anyways may have, claim or pretend to the Lands and others above mentioned, or to any Part or Portion thereof in time coming: Reserving always to us and our Heirs and Successors, forth and from this present Disposition, the whole Fir-trees growing, or to grow on the said whole Lands, except the Fir-woods betwixt the Easter Garvel-burn and Craigkynoch, as contained in the said John Farquharson of Invercauld his former Feu-rights of the said Lands of Invercauld and Aberarder; but declaring, that the said Lands of Castletoun, Crathie, Monaltrie, Lawsie, Micras, Torrigalter and Richarcary, shall retain their former Right of Servitude upon the whole reserved woods in Mar, as contained in the several Feu-charters and Infeftments thereof.

"Upon this Disposition, Invercauld expedie a Charter of Resignation under the Great Seal, and was thereupon inest, 12th March 1739.

"JULY 3, 1760.

"INFORMATION

FOR

WILLIAM Earl of FIFE, *Pursuer*,

AGAINST

James Farquharson of Invercauld, Defender.

"THE Fir-woods in the Highland or Mountainous Parts of *Scotland*, are of large Extent, and of great Value : But as those Parts of the Country were, till of late Years, in a great Measure inaccessible, this domestick Treasure turned to little or no Account,

"This Evil is now happily removed ; and if the same publick Spirit for making and repairing the High-roads through that Part of the Country, which has hitherto been attended with great Success, is prosecuted with the same Spirit for a few Years, and meets with no unseasonable Check, the Woods in the Highlands of *Scotland* will, in all human Probability, be of equal Profit and Utility to the Publick and to the private Proprietors.

"The Family of *Mar* were anciently possessed of a large Estate in that Part of the County of *Aberdeen*, called *Braemar*. They granted many Feu-rights of different Parcels of those Lands, which, with very few Exceptions, are all to the same Purpose and Effect ; the Particulars of which, so far as they relate to the Matter in Dispute between the above named Parties, may be comprised under the following Heads :

"1st, A Reservation to the Earl of *Mar*, the Superior, of all the Fir-woods, *growing or to grow*, upon their respective Lands.

"2dly, A Privilege or Servitude in favours of the Vassals, for their own Use, and the Use of their Tenants, Possessors of said Grounds, in their Biggings, and Necessaries for Labouring of the Ground, to cut and take Fir-timber growing on their respective Property-lands, or, in Default thereof, out of the Earl's other Fir-woods.

"3dly, But in regard it was manifest that such a Privilege, if not put under proper Restraints, would be liable to great Abuses, the proper Remedies for which could only arise from Experience, it was therefore expressly conditioned, that the Vassals should be bound and obliged to observe and keep the Acts and Statutes of the Earl's Courts, anent the cutting, carrying, or giving away, destroying, or stealing of his Woods.

"Many of these Feu-rights were purchased and acquired by the deceased *John Farquharson of Invercauld*, and are now vest in the Person of the Defender, his Son.

"The Estate of *Mar* became forfeited by the late Earl's Attainder, for his Accession to the Rebellion 1715, and was purchased from the Commissioners of Enquiry, by the Lords *Dun* and *Grange*.

"The Fir-woods of *Braemar*, even at that Time, were justly esteemed to be of very great Value, though they had been greatly deteriorated by the Waste and Abuses they had suffered under Colour of the above mentioned Servitudes. The largest and finest Trees, four or five Feet diameter, were frequently cut down by the Root for the most trifling Purposes, when all that was wanted was Roof and Couples for their little Huts, though the Tops and Branches of such large Trees were more proper for these Purposes, and were accordingly so used, the Trunk or Body of the Tree being suffered to rot on the Ground, or scandalously misapplied to improper Uses.

"Another destructive Practice, and which universally prevailed, was their cutting out the Hearts of the finest Trees to serve for Candle-fir, by which the Tree perished, and decayed upon the Foot.

"Under Colour of this Servitude, they drove a Trade of carrying large Quantities of Timber out of these Woods to the neighbouring Markets, and every Tenant, who removed out of the Ground, demolished his House, and carried away the whole Timber, which required a fresh Supply for the Incoming Tenant.

"To redress those, and many other Abuses of the same Kind, and to keep the Feuars and Tenants within the proper Bounds prescribed by their own Rights, in the original Constitution of this Servitude, Lords *Dun* and *Grange* held a Court in 1725, where all the Vassals were convened, when certain Regulations, enforced with proper Penalties for preventing such Abuses in Time coming, and for securing to the Vassals the Enjoyment of this Servitude, under proper Rules, were, of common Consent, established, and reduced into the Form of an Act of Court, indemnifying all former Transgressions, but enacting the strict Observance of these Regulations in Time coming.

"But as the Establishment of these Regulations was, with Reason, thought to require some higher Authority, to enforce Obedience, than the Act of the Baron-court, Lords *Dun* and *Grange* did, that same Year, bring a Process of Declarator before the Court of Session, for having these Regulations, with some small Amendments, authorised by Decree of this Court.

"The aforesaid Process was never brought to any final Conclusion, probably, for this Reason, that an Interdict was, without any Opposition, pronounced; which in the mean time, and during the Dependence of the Process had the same Effect as if Decree had been obtained.

"In the Year 1735, the Earl of *Fife*, then Lord *Braco*, purchased the Earldom of *Mar*, Superiorities, and Woods thereof, from Lords *Grange* and *Dun*, whereupon he expedite a Charter under the Great Seal and Infestment.

"As the Purchase, made by Lord *Grange* and *Dun*, was understood to be for Behoof of the Heir of the Family, the Vassals continued to

shew some Regard to the above mentioned Regulations, for Preservation of the Woods ; but how soon Lord *Fife* became the Purchaser, they returned to their former Practices, and committed infinite Waste and Destruction upon the Woods, in every possible Way.

"The Danger of Fire to these Woods, is scarce to be conceived : The smallest Spark will set Fire to the Heath, which immediately communicates to the Trees, when the whole goes up in a Blaze ; and, if there is the least Breath of Wind, spreads with such Violence, that it is scarce extinguishable ; and, on account of this Danger, it has justly been esteemed to be a Circumstance of the greatest Consequence, that no Mailler or Cottar should be planted in the Openings of these Woods, which would furnish an Opportunity, either by Roguery or Neglect, to do such irreparable Damage.

"These Abuses made it absolutely necessary for the Earl of *Fife*, to bring a fresh Process before this Court, at his own Instance.

"The general Scope and Tendency of the Action, is to have such Regulations established, as may be effectual, to secure the Defender, Mr. *Farquharson* of *Invercauld*, and his Tenants, in the full Enjoyment of the Servitude, and at the same time, to prevent these Excesses and Abuses, which, of late Years, had been so avowedly practised.

"It is known to your Lordships, that, as Fir-woods do not spring from the Root, but are propagated by the blowing of the Seed in the Grounds, immediately adjacent to the old Woods, or in the Openings, where they have Freedom of Air, these highland Fir-woods are not fixed to a particular Spot, but gradually shift their Stances ; and, it was plainly for this Reason, that, in the original Feu-charters, not only the Woods then growing, but to grow, were specially reserved ; and the Nature of Things speaks it, that this was absolutely necessary to attain the End proposed, because, if the spreading of the Wood, and Growth of the young Timber, could be *impune* stopped in those Parts, where it naturally expands itself, its Existence would be of short Duration. In the Proceedings in this Cause, which came originally before Lord *Kilkerran*, upon his Death, was remitted to Lord *Coalston*, the Pursuer exhibited a Condescendence of these Regulations, which he insisted should be established, both for securing to the Defender the reasonable Exercise of the Servitude reserved to him, and for Security and Preservation of the Woods themselves, against the several Injuries and Abuses that had been committed, in substance the same with these that have been established by the Act of the Baron-court in 1725.

"And, amongst other Particulars, he complained of a Tack, which had been lately granted to a Mailler or Cottar, of the Name of *Calder*, of an Opening, consisting of a very few Acres of Moor-ground, in the very Heart of his largest and best Fir-woods, which was thereby exposed to be totally destroyed, either by wilful Fire-raising, or by Neglect, or even

by Accident ; that, under the Colour of this Tack, *Calder* had pulled up many Thousands of young Trees, growing upon said Area, then in a thriving Way, built Houses upon it, and plowed up Part of the Ground ; and that having thereby Access to the Woods all around him, he pillaged and pilfered at pleasure, without any Possibility of Prevention or Redress, which no Vigilance of the Forester's, in so large a Tract, could prevent or restrain.

" *2dly*, And as the same Thing might be practised in other Parts, particularly in these circumjacent to the old Wood, where the young Growth was springing, or in Places where the Wood had been cleared, and where the young Growth had again sprung up ; or, if not prevented, would again grow, he therefore insisted, that some proper Regulation should also be established, for preventing any Abuse of this kind.

" *3dly*, He insisted, that this Servitude upon his, the Pursuer's Woods, could only be claimed *in subsidium* of the Timber growing upon the Defender's Property-lands, when there was not at the time Sufficiency of Timber belonging to the Defender himself, such as Birch, Aller, &c. fit and proper for the Use of the Servitude.

" The Defender made Answer to the aforesaid Condescendence ; Parties were repeatedly heard thereon before the Lord Ordinary, and most of the Articles have received his Lordship's Judgment, by very distinct and articulate Interlocutors, which are so equitable and just, that both Parties seem disposed to acquiesce therein.

" By the last of these Interlocutors, which bears Date the 19th *January* 1760, the Lord Ordinary made Avisandum to your Lordships with the following Particulars : *1st*, How far the Defender has Right to plow or plant any, and what Part of the Grounds ? *2dly*, How far he is intitled to take Fir-timber from the Pursuer's other Woods in the Earldom of *Mar*, when he has Sufficiency of Birch and other Timber upon his own Lands proper for the Purposes of the Servitude ?

" And in the Entry, the Pursuer will be allowed to observe, that as these Lands, which now belong in Property to the Defender, did originally belong to the Family of *Mar*, and were feued out, under the express Reservation of the Fir-woods growing, or to grow thereon ; this is not to be considered as a Servitude upon the Vassal's Property, or as such, subjected to these rigid Rules, which are generally contended for in all Questions respecting Servitudes, considered as contrary to natural Liberty. These Woods were the Earl's Property ; so that when he feued out the Lands, reserving the Woods, it was a Reservation of so much of his original Property, and a proportional Abatement would be given of the Price, corresponding to the Value of these Woods. And where that is the Case, the Earl submits it to your Lordships, that this Reservation ought to be most liberally construed ; and more particularly, that nothing

ought to be allowed which can in the smallest Degree hurt or impair the Superior's Right in these Woods.

"*2dly*, He must here repeat the Observation formerly made, that as it is inherent in the Nature of these Fir-woods gradually to shift their Stations, and as in this View the Reservation was not confined to the Wood then growing, but did also comprehend such as should thereafter grow, the Import of this Clause must be determined according to what must appear to have been the Meaning and Understanding of Parties, so as neither to justify, nor tolerate any thing to be done, which might lead either to the total Extirpation of the Wood, or to damnify and prejudge the same in any Sort.

"These Observations being premised, the first point that occurs to your Lordships consideration is, how far the Defender has Right either to plow or plant, and what Part of the Grounds may be so plowed or planted.

"The Pursuer is sensible of the Difficulties that must occur in establishing any general Rule, which may not be liable to some Objections from the one Party or the other, and as he is fully persuaded of your Lordships good Intentions to do equal Justice to both Parties, he will rather take the Liberty to suggest such Particulars as occur to him to be proper for your Lordships Consideration, than to fix upon, or prescribe what that Rule ought to be.

"For as on the one hand he has not the most distant View to obstruct any Policy which the Defender may be disposed to make about his House of *Invercauld*, though in Sight of the Woods, or even to prevent any rational Scheme of Improvement which can be proposed with any seeming Benefit or Advantage to him, and without manifest Hurt and Prejudice to the Woods, so on the other hand, he should think it equally unjust, that under Pretence of extending Policy, such as by inclosing and planting the Ground close by these Woods, or by tilling up the Ground immediately adjacent to the Woods, whether already occupied by young growing Timber, or to which the Wood, if not checked, must necessarily extend itself, the Defender should be intitled to obstruct the spreading of these Woods, without which they cannot subsist, and in time must be extirpated.

"These are the two Extremes, which ought to be equally guarded against. He does not desire the one, and he wishes to avoid the other. If he has satisfied your Lordships, as well from the Nature of these Woods, as from the Reservation itself, that they must be allowed to shift their Stances, and that, by confining them to these Spots where the Stool of the Wood now stands, they would soon be extirpated, proper Provision must be made to guard against every Abuse from which so great an Evil would ensue.

"And there is real Evidence that such was the Meaning and Understanding of Parties, in respect that the Woods in their present

Situation, have undergone great Changes since the original Constitution of these Feus. There is scarce a Year wherein they do not make such Change greater or lesser, shifting backwards and forwards ; and as the Earl's Property is not disputed in the Woods as they now stand, and as it was never pretended that the Reservation was to be confined to the *solum* of the Woods, as they stood in these former Times, this is Demonstration that such was the Meaning and Understanding of Parties from the Beginning ; nor does the Defender seem to dispute that Point.

"The general Plea he maintains is, that the Property of the Ground is his, subject to the aforesaid Reservation of the Woods ; that he is put under no Limitations or Restraint as to the Management of his Property in such Form and Manner as shall be most beneficial to him. For Example, that he may inclose and plant any Part of the Grounds, that is not already occupied by the Woods, however apparent it may be that the Woods behoved soon to extend over these Grounds, if not so pre-occupied ; that he may plow up any Part of the Grounds wherein there is no Growth of Trees at the Time, however contiguous such Tillage may be to the Woods.

"If these Principles were to be allowed, the Consequences are plain, that they might be abused, to extirpate these Woods in a great Measure ; he may draw a Line, of Circumvallation, by an earthen Dike round the Woods, where they now stand, and by planting the Grounds on the inner Side of said Dike, check the Progress of the Wood all around, in respect that the Reservation can only be construed to comprehend Woods and Trees of natural Growth, not those that are planted.

"*2dly*, By plowing up two or three Rigs Breadth of the Ground adjacent to the Woods, where the Extension of them would apparently be, he might, by that Means, also check the Progress of the young growing Timber in those Parts.

"And as by those Means, or other such Devices, he might confine the Woods to the *solum* they now occupy, and prevent every Extension thereof, it is apparent, from the Nature of those Woods, that, in Progress of Time, this would terminate in a total Extirpation.

"And as it is therefore impossible, that this can be allowed of, consistent with that *bona fides*, which ought to regulate every Contract, or with what was manifestly in View, when these Feus were originally granted with the aforesaid Reservation, it belongs to your Lordships to establish such Rules in this Particular, as may be attended with the least Inconveniencies to both Parties, having it principally in View, that nothing shall be permitted which may be pernicious or hurtful to the Reservation, in a fair and equitable Construction thereof.

"But whatever shall be your Lordships Judgment, with respect to Grounds that are not already occupied with growing Trees, it will scarce be maintained, that, under Pretence of Improvements, the Defender

should be tolerated by himself, his Maillers, Cottars, or others, to lay hand upon Ground, whereon, at the Time, there is a Growth of young Trees.

“And this leads more particularly to mention the Abuse already taken Notice of, in the Article of *Calder*, the Mailler, or Cottar, whose Hut, or Cottage, is planted in a small Opening of three or four Acres, in the very Heart of the best of the whole Woods, and which, at the Time of his entering to possess, was covered with a Growth of fine young Trees, well advanced ; these he rooted out, by Permission of the Defender, without any Advertisement given to the Pursuer, his Factors or Forresters. He has already plowed up a small Part of it ; and, as it is difficult to keep down the young Trees in the other Parts that are not plowed up, he roots them up, or snecks them over, how soon they begin to raise their Heads above the Heather.

“The only Apology that has been offered for so manifest an Abuse, is an Averment, that, some Time or other, that Area had been plowed up, and that there are yet the Vestiges of Rigs upon it. What may have been the Case some hundreds of Years ago, the Pursuer cannot pretend to say ; and, indeed, in almost all the unfrequented and unfertile Heath Grounds in the North of *Scotland*, the Vestiges of Culture in some ancient Period are discernable at this Day, yet Vestiges of Rigs there are none visible to human Eyes here. But, supposing the Fact to have been that, a Century or two ago, perhaps before the granting of these Feus, an Experiment of this Kind had been made, is it possible from thence to justify the rooting out of a fine Growth of young Trees well advanced.

“If this is allowed, the Defender may proceed, and plant a Cottar upon every Spot where Timber formerly grew, how soon the *solum* is cleared ; and, if he may also prevent the spreading of the Wood to new Ground, it would be hemmed in on all Sides, beyond what was ever known or attempted.

“Though this of itself is sufficient Cause of Complaint, with respect to *Calder's* usurped Possession of the aforesaid Area, the Pursuer makes no Difficulty to acknowledge, that what he is no less alarmed with, is the apparent Danger that may from thence arise to this valuable Part of the Wood, through the planting of this Cottary in so small an Opening of this valuable and extensive Wood, thereby exposed to the apparent Danger that may justly be apprehended from Fire, whether wilfully raised, or by Neglect or Accident. All the Profit the Defender can propose by this Cottary is so trifling, that it scarce merits a Name, whereas the Danger to which the Woods are thereby exposed, is so apparent, and the Damage that would from thence ensue, should any such Fatality happen, would be so immense, that it must be the Height of Humour, should the Defender persist in maintaining this Cottary ; and Lord *Fife* has the greater Reason to take this Danger seriously to Heart,

and insist for proper Precautions against it; that, in Fact, since the Commencement of this Process, a Fire actually broke out, and destroyed Part of the Wood in the Neighbourhood of this *Calder's* House, and, if it had not been that the whole Country rose, and *Invercauld* himself was very active in extinguishing those Flames, the Damage would have been fatal and irreparable.

"And therefore to conclude upon this Point, as the Pursuer leaves it with your Lordships to establish such Regulations, with respect to the Liberty acclaimed by the Defender, for Policy and Improvement, as may be consistent with the Safety and Preservation of the Woods, so as not to prevent or check their natural Extension and Spreading, which is so essential and necessary to the Fir-woods in that Part of the Country; so he submits it to your Lordships, that, under no Pretence whatsoever, can the Defender be permitted, by plowing or otherways, to destroy the Growth of the young Wood, either in the Openings of the old Wood, or in the circumjacent Grounds, or upon any Part of the Lands on which this Property in the Woods is reserved; for a Reservation of the Wood *growing* and *to grow*, can have no Meaning or Effect whatever, if it does not intitle the Proprietor to defend and protect the young *growing* Wood, wherever it springs up, from its earliest Appearance; it is equally inconsistent with this Right, to check or crush the young Growth, as to destroy the old.

"And, more particularly, he insists, that no Cottary ought to be placed within such a Distance from the Woods, as your Lordships shall think proper to prescribe; that the placing of *Calder's* Cottary in the aforesaid Opening, in the very Heart of the largest and best of these Woods, was, at any Rate, improper, *esto* that Opening had been free of Timber, and doubly so, where, at the Time, it was covered with young Trees well advanced, which he was permitted to eradicate and root out.

"The other Point taken to report lies within a much narrower Compass, and the single Question thereupon arising is, whether the Defender is intitled to the Exercise or Enjoyment of this Servitude upon the Earl's Fir-woods, when he has Sufficiency of other Timber, such as, Birch, Allar, &c. growing upon his own Lands, proper for the Uses of the Servitude.

"The Defender insists, that as the Fir-woods growing upon his Property Lands, notwithstanding of the aforesaid Reservation of the Property of those Woods to the Earl of *Mar*, the Superior, were destined and appropriated for the Use of this Servitude, in their Biggings and Labouring-utensils, so, in the Event, that there was not Sufficiency of Fir-timber for the above Purposes upon their Property Lands, they were intitled to be supplied out of the Earl's other Fir-woods in that Country, so that, in both Views, the Fir-woods only were destined for the Uses of the Servitude, without any the least Mention of what other

~~Woods~~ the Vassals might have upon these their Property Lands, which therefore they were at Liberty to dispose of, for their own particular Advantage, and could not be compelled to apply these for the Uses of their Servitude, more especially considering, that these other Species of Trees were not so proper for some of the Uses of the Servitude, as the Fir-timber.

“The Clause in the Defender's Charter of Resignation 1726, is in the following Words: ‘That it shall not be leisom, or lawful, for the said *John Farquharson*, to cut, fell, or give away, any of the growing Fir-trees of the said Lands, but allenarly for their own Use, in their Bigging and labouring of the Ground, for the Necessaries of them and their Tenants: *And if it shall happen them not to have sufficient Trees and Timber growing within their said Lands, for the Use of their Bigging and labouring of the Ground*, in that Case we bind and oblige us, and our foresaids, to permit them, at the Sight of our Bailie and Forrester, to cut and take away the said Necessaries, for the Uses above written, forth of our reserved Woods whatsoever, within the Bounds of *Mar*.’

“From this Clause, of the Tenor above recited, your Lordships will observe a very remarkable Variation in the Expression, as it respects the different Events. If there were Fir-trees growing within the Vassal's Property, he was allowed the Use of these for the Purposes of the Servitude, *viz.* For the Biggings and Labouring-utensils; and therefore, the Pursuer shall submit to your Lordships, upon the Words of the above Clause, without any Argument, whether, where such happens to be the Case, the Defender may be permitted to take these Necessaries, in the first Place, out of the Fir-trees growing within his Property-lands, though reserved to the Heritor, and thus far to save his other Woods of Birch, Allar, &c. though equally proper for the Uses of the Servitude; it is submitted if such appears to have been the Meaning and Understanding of the Parties themselves, and if the Agreement is so worded as to justify that Construction.

“But then your Lordships will observe, that in the very next Clause, where the Servitude comes to be extended over the Earl's other Woods, *in subsidium* of there not being Sufficiency of Timber upon the Vassal's Property-lands, for the aforesaid Uses and Purposes, that Extension of the Servitude over the Earl's other Woods, is conditional, and only to take Effect, ‘In case it shall happen them not to have sufficient Trees and Timber growing within their said Lands, for the Use of their Bigging, and labouring of the Ground.’

“The Defender contends, that by these Words, Trees and Timber, must be understood Fir-trees only, because, by the former Clause, the Vassal was allowed the Use of the Fir-trees growing upon his own Lands, for the Purposes of the Servitude, and consequently, that the Deficiency of these, when that should happen to be the Case, was the Cause or

Consideration for the Extension of this Servitude over the Earl's other Woods.

"But the Pursuer submits it to your Lordships, that this is repugnant both to the Words and Spirit of the Clause. The Words are clear and unambiguous, *If it shall happen them not to have sufficient Trees and Timber growing within their said Lands.* These Words, Trees and Timber, in their plain natural Meaning, are descriptive of every Species of Trees, proper for the Use of the Servitude, *qui omne dicit, nihil excipit.*

"And the Variation of the Expression is the strongest Argument against the Construction contended for by the Defender. By the former Clause, the Earl had condescended so far as to allow the Vassal the Use of the Fir-trees growing upon his own Property-lands, for the Purposes of the Servitude. But when, in the next Clause, he comes to grant the Extension of this Servitude over his other Woods, as the Vassal had not any Claim in Equity to be supplied out of these, especially when he had Timber of any Kind upon his own Lands, proper for these Uses, the Expression is industriously varied, and the Variation is remarkable, that it was only to take place, in case he had no *Trees or Timber* growing upon his own Lands, proper for these Uses.

"If it had been in the View of Parties to grant this Extension of the Servitude, upon the Deficiency of Fir-trees then growing upon the Vassal's Property-lands, *esto* he should have at the Time, over so great a Quantity of other Trees and Timber fit for these Uses, there could have been no Difficulty to have expressed it. And therefore, as the Variation of the Expression shews, that something else was intended, so the Condition is clearly and unambiguously expressed by these Words, *viz.* 'If it shall happen them not to have sufficient Trees and Timber growing upon said Lands.' By what Rule of Construction the Defender can pretend to confine these Words, Trees and Timber, to Fir-trees only, is inconceivable.

"And the Pursuer will be allowed to observe, that as the reasonable Purpose of all Servitudes is to supply those Wants which the dominant Tenement labours under, and has not wherewithal to supply itself, it would have been a most unequitable Demand on the Part of the Vassal, that the Earl of *Mar* should grant him a Servitude upon his other Woods, for his Biggings and Labouring-utensils, when he had Sufficiency of Timber upon his own Lands, proper for these Uses, so that *in dubio*, it will not be presumed, that so unequitable a Demand had either been made by the Vassal, or granted by the Superior.

"The Fir-trees growing upon the Vassal's Property, merited a very different Consideration. As the Earl was to reserve these, it might be reasonable that they should be subjected to the necessary Uses of the Vassal and his Tenants, for their Biggings and labouring the Ground, so as even to save the Vassal's other Woods and Trees; but it merited a

very different Consideration, when the Servitude was to be extended to the Earl's other Woods, over which the Vassal had not the Colour of a Claim, either in Law or Equity.

"These Considerations would be sufficient, was the Clause itself conceived in doubtful or ambiguous Words. But as the Condition is clearly expressed, in Words which can admit of no Doubt, it would be highly unjust to extend this Servitude beyond what the Words can import by any fair Construction, or can be supposed to have been in the View of Parties.

In respect whereof, &c.

ALEX. LOCKHART.

POSTSCRIPT.

"It is not the Intention of the Pursuer to bring any additional Arguments to those used in his Information, in which the Cause is already fully and candidly stated. What he intends is only to make an Observation or two upon a Fact, which is entirely misrepresented in the Defender's Information, and with a View, as it would appear, to give your Lordships an unfavourable Impression of the Pursuer's Claim.

"The Fact meant, is what regards the Croft possessed by *Calder*, the Setting of which to a Cottar, in the very Heart of the Pursuer's Wood, he has from the Beginning insisted to have been unwarrantable, and destructive to his reserved Property in the Woods, and the Danger arising from which Set did indeed give first Rise to this Process.

"This Croft, the Defender represents as the greatest Opening on the River *Dee*, 'consisting of no less than an hundred Acres of Moor: That 'it is the most proper Spot for Cultivation in the Country, and that so far 'from being in the Heart of the Pursuer's Wood, it is all clear and open, 'except that here and there, there is a Clump of Firs.'

"But the Fact is, as has from the Beginning been maintained by the Pursuer, that this Croft of *Calder's*, so far from answering to the pompous Description given of it by the Defender, is a small Spot of Ground, of no larger Extent than about three Acres, and that quite surrounded by the Pursuer's Fir-woods, except on the North-side, where it is bounded by the River. On the East, South, and West, it is surrounded by the large Wood of *Ballochbuie*, which consists of the finest, tallest, and most thriving Trees, belonging to the Pursuer, and the large Trees were not, on any of these three Sides, at a greater Distance than three Yards from *Calder's* House and Yard. All this the Pursuer undertakes to prove. He is also able to prove, that upon these three Acres of Ground there were above 12,000 young thriving Trees, from one to three Yards high, before they were destroyed by this Cottar, under Pretence of Cultivation; for it is so far from being true, that he has brought in so much Ground

as to be able to subsist himself, and a Family of nine or ten besides, as the Defender pretends, that, to this Day, there is not so much tilled as will sow a Firlof of Bear.

"It is as little true, that this is the most proper Spot for Cultivation in the Country.

"By the Description given by the Defender, of the Country of *Braemar*, and which is admitted, in good measure, to be just, it appears, pretty evidently, that the greatest Part of it has never been intended, by Nature, for the Production of Corn. The Country, however, is not all equally bad; the Lands of *Castletown*, belonging to the Defender, and the Lands of *Dallmore*, *Allanmore*, and *Allanquoich*, are fertile, well cultivated Spots, upon the Side of the River. But as to this Moor, upon which the Wood of *Ballochbuie* grows, it is of so very thin and poor a Soil, that hardly any Advantage could be proposed from its Cultivation, neither has ever any Attempt been made, other than by this *Calder*, to bring into Cultivation any Spots of the Moor unoccupied by the Wood. It is indeed true, that there is a small Bit of Ground at the West-end of the Moor, which is cultivated, being situated upon the Side of a Rivulet, by which it is rendered more fertile than the rest. This Piece of Ground, at the Side of the Rivulet, is the Farm mentioned in the Defender's Information; but it is not, as there stated, adjoining to *Calder's* Croft, but at a very considerable Distance from it, as there is no less than half a Mile of Moor, and several hundred Yards of Wood interjected between them.

"In order to draw an Argument in his favours from the Use of Possession, and to show that it is not an Innovation that this Piece of Ground is set to *Calder*, the Defender asserts, that this Spot was formerly cultivated, and that within the Memory of Man.

"It were to be wished, he had been a little more particular as to that Fact, and then it would have appeared, whether it was sufficient to support the Conclusion drawn from it. The Pursuer is assured, that it can be proven, that this Piece of Ground never was under Cultivation in the Memory of Man. He is indeed informed, that one Year after the Rebellion 1715, when this Estate was under Forfeiture, and probably not so carefully looked after, as when under the particular Inspection of the Proprietor, this very *Calder* tilled, or dug with the Spade, a very small Spot, upon which he sowed two or three Pecks of Bear, which he deserted and never reaped. From that Time, till within these two or three Years that *Calder* returned, it never has been touched; so that the Heath, upon the few Rigs which had been then dug up, was grown to the Height of no less than a Yard, and continued so till *Calder*, this very Year, set the whole of this Piece of Moor in Fire, which not only destroyed all the remaining young Seedling Firs, but also endangered the whole Wood, the Destruction whereof would have been unavoidable, had there been the least Breeze of Wind. This is all the Cultivation it ever got, and it

is a very bad Argument for the Use of Possession, that the same unwarrantable Practice was formerly attempted that is now put in Execution.

"With respect to what is said by the Defender, that no Trees were destroyed upon this Spot which were above the Reach of Cattle. If this was any Argument in his favour, it would prove, that any Part of the Ground, adjacent to the Woods might be plowed up, even where Trees were growing, provided they were not out of the Reach of Cattle; a Construction which would very soon have the Effect to put an end to the spreading of these Woods. If young Trees are crompt by the Cattle, there is no help for it. It is an Accident that there is no avoiding, that some of them should be so destroyed: But, because some of the Trees may be hurt or destroyed by that Accident, no Argument can possibly be drawn from this, that therefore the young Trees may be plowed down, or pulled up by the Roots. But the Fact is, that the Trees upon that Moor run very little Risk from the Cattle, as there is hardly any Pasture on the Moor adjacent to the Woods, and the Cattle are all grazed in the Forrests, where there is the best Out-pasture for all Kinds of Cattle to be found any where in *Scotland*.

"The only other Remark the Pursuer shall make, is upon that Part of the Memorial, where the Defender, in order to prove, that he has a Right to cultivate the Grounds adjacent to the Woods, draws an Argument from his having inclosed and planted Part of the Moor adjacent to his House.

"It is very true, the Pursuer did not interrupt *Invercauld* in inclosing and planting such Pieces of Ground as were proper for the Ornament and Convenience of his House, though, according to the strict Letter of his reserved Right, he might have disputed that Power to *Invercauld*, had he been disposed to use his Right emulously, or to *Invercauld's* Prejudice. On the contrary, as he was inclined to make the Exercise of his own Right of as little Inconvenience to the Defender as possibly he could, he did not prevent him from planting and extending his Policy; and when the Lord Ordinary found by his Interlocutor, that the Policy round the House of *Invercauld* did not fall under the Restriction, he readily acquiesced in it. But he must be allowed to say, that it does not seem a suitable Return for his Easiness in this Particular, that an Argument is now founded upon it to prove that the Defender has Right to plant such Parts of his Ground as are not fit for Tillage, a Liberty for which he has not the smallest Claim by the Nature of his Right, and to which he certainly would not pretend, but in order to draw the Conclusion, that *a fortiori* he has a Right to plow.

In respect whereof, &c.

ADAM FERGUSSON.

The Inner House adhered to the Lord Ordinary's Interlocutor with some slight additions and explanations; and it might have been thought that here the matter would have ended. But so far from that taking place, the servants and dependants of the principals in the action harassed each other in every possible way in the manner in which they exercised their rights and privileges, and the emulation between them was greater than ever. Add to this that several other proprietors became parties in the strife. All who had received charters from the Earl of Mar in 1632-34, claimed the same servitude over the superior's fir woods as had been accorded to Invercauld, and a new action was raised against the Earl of Fife, who had prevented them from exercising their supposed rights. The following extracts, from the voluminous papers in this new law suit, will be sufficient to show how the case stood, while they shed not a little light on the social conditions of the country.

Before raising the action, however, these heritors, headed by the Earl of Aboyne, sought the opinion of counsel. The opinion, given by Hay Campbell, on 3rd September, 1773, mainly relates to the right of the heritors to lead the action against the Earl of Fife, and is in the affirmative. On other points it is not materially different from that obtained by Invercauld in 1761, and need not be farther referred to.

In October of the following year, the agent for the Heritors of Mar (now the Pursuers) gives his clients further information which is of considerable importance for local history. He writes:—

"October 22, 1774.—In a Conversation with Mr. McInnes of Coldstone, late Minr. of Crathie, it is learned that about the year 1719, when his Manse of Crathie was built, there was fir Timber got as servitude from the Woods of Mar for Roofing, stairs, doors and windows, and flooring, and no objection made thereto, being agreeable to the practice then prevailing, and always thereafter till Lords Dun and Grange formed Innovation, and pretended to restrict the Servitude Right of the Vassals of the Family of Mar at that Court held in the (year) 1725 at Castleton of Braemar, on the arbitrary Acts of which Court so much stress is laid by Ld. Fife. But that there was no proper legal concerted Concurrence of the Heritors to the oppressive proceedings of that Court will appear afterwards.

"Mr. McInnes further informs that Servitude Wood for his office houses was got much about the same time with the building of his Manse, and further that it was got from the very nearest and most

adjacent fir woods belonging to the Family of Mar formerly, but at that particular time pertaining to the Crown after the Rebellion of 1715 and before Lords Dun and Grange had any concern with that Estate and Woods. And further, that Provost Stuart, then Provost of Aberdeen and Factor for the Government on the forfeited Estate of Mar, desired Mr. McInnes to call for as much wood as should be any ways requisite for finishing his Manse and office houses in the best and most convenient manner. And Farther, Mr. McInnes informs me that there was no particular time or month in the year fixed for getting said wood out, but at any time when it was needed, and that no dimension or size of wood were then laid down beyond which no wood should be given, as is now pretended to be done; and that no restriction then took place, but against selling, destroying, or giving away, which was altogether consistent with equity and common sense.

"Mr. McInnes farther relates that, in many conversations he had with the late Invercauld, Abergeldie, and Monaltrie, all of whom are now deceased,—that he heard them complain exceeding much of the arbitrary and iniquous Acts pretended to be made at the Court held by Lds. Dun and Grange in the year 1725. And they expressed in the strongest terms their displeasure and remonstrances against that Day's proceedings, and hoped that sometime these grievances would in the course of Providence be redressed, tho' at that particular time the Vassals and Heritors were so circumstanced that no unanimous concert could be entered into for having the full extent of their servitude ascertained and cleared up according to equity and old practice formerly in use in the country.

"Not only did Mr. McInnes hear the above three Heritors express their dissatisfaction with the above mentioned oppressive Court Acts, but had also occasion to converse with other heritors of his Parish of Crathie, whereof he was then Minr., on that affair, and that all of them spoke in the same manner relative to the rigorous Acts of that Court, done with 'a high hand' as we say, over the belly of ancient practice.

"So that from the above brief hints, noted down from Mr. McInnes' accts. of the matter, three things are plainly made good, viz.: That Servitude Wood was always in use to be given even for Manses and all office houses belonging to the Minister, for stairs &c. which is now withheld for sometime past since Ld. Fife and his authors, after the repurchasing of the forfeiture, began to turn their fir woods to such advantage that they resolved *piece meal* to infringe the servitude for the purpose of their own monopoly; so that, if such matters were not soon cleared up and rectified, the Servitude in a few years would not be worth the having.

"A Second thing made out from the above accts. of a worthy old man of probity, the said Mr. McInnes, and who has now no concern in

the matter, because no Servitude is given in the place where he now resides—We say a Second thing made good is that Servitude was given on the nearest and most adjacent woods of Mar, and further, that it was given every month in the year.

"A third thing now brought to light from Mr. McInnes' Accts.¹ is that the Heritors entitled to Servitude never gave assent or consent to the Proceedings of this mock Court by writing or otherwise, otherwise they had no room or cause to complain of that Act, had they voluntarily agreed to such Innovations and restrictions as were then pretended to be formed.

"The above named Provost Stuart was a gentleman of undoubted probity and honour, of liberal education, and paid strict attention to the affairs of the estate of Woods of Mar entrusted to him by the Government; and his ordering Mr. McInnes to take what wood he had occasion for was an evident testimony that he understood the Right of Servitude so far as he gave orders. It's not to be supposed that a gentleman of such undoubted probity would have allowed one inch of more liberty to the Heritors, or any concerned, than the ancient practice of the Country and the strain of their Charters entitled them to. And no comparison can be run between this gentleman's character and that of those whom Ld. Fife now employs as his Factors in Braemar, and overseers of his woods, who are generally people of low rank, unlettered, and study nothing more than ingratiate themselves with their Constituent at the expence of violating and overreaching upon the Rights and privileges of the Heritors and their tenants in the affair of distributing the Servitude."

Before, however, legal proceedings were formally entered upon, several attempts were made to have the matters in dispute amicably adjusted. With this view the Earl of Fife addressed the following letter to Francis Farquharson, who had brought out the Deeside men in support of "Prince Charlie" in the rising of the '45, and whose papers relating to that event will be separately treated of:—

"To

Francis Farquharson, Esq.

Fife-Durham—

"Dear Sir,

Whitehall, March 10th, 1777.

I transmitt Sr William's letter to you with mine into the bargain. I wish when you write to our friend, Invercauld, you would recommend Peace; this Process about the Servitudes on the Woods, I see

¹ The Rev. John McInnes, a native of Inverness-shire, graduated at King's College, 1710; ordained to Crathie and Braemar, 1715; translated to Logie-Coldstone, 1748, where he died, FATHER of the Church, in 1777, in his 88th year and 63rd of his ministry.

will revive all the Litigation that subsisted in former times, and will land on Mr. Farquharson and me. I confess my nature detests all law contests, and there is nothing I wish more than to live in Peace and friendly intercourse with my neighbour ; As yet I have been able to do so ; and except this Servitude Process my name is not in the Parlt. House. Lord Aboyne, I see, is at the head of this ; and I am confident victory to either side will not add much substance, and we shall be all money out of Pocket. I was very sorry to retain Mr. Wedderburn &c. here for the appeal, as I hear it is resolv'd on to come here in the event that they don't succeed below. I must certainly defend myself in this very unprovoked attack.

"I hope your health and Mrs. Farquharson's^t are good. I am always with great Regard

Your most obedient
humble servant
Fife."

This is followed by :—

"Copy Letter to Ld. F. in answer to the above M.L. (My Lord).

"On Friday last I had the honour of receiving your Lordship's Letter of 10th March (as also the one from Sir W. D.) and I have been so much engaged that I have not had time till now to acknowledge the receipt of the same. I am much obliged to your Lordship for looking on me as a fitt person to be a Peace-maker, and it is what I should take great pleasure in If my abilitys were equal to my Inclinations. But in the present case of the dispute about the Servitude I don't know what I can say to Invercauld unless your Lordship had made some proposalls as a foundation for a sittlement. In which case I should have known better how to act ; and I am sure there is no man more inclined to live in peace and friendly intercourse with his neighbours, and less disposed for law pleas than Invercauld is. Your Lordship very justly observes that L. A. is at the head of it, and the origin of it was in support of his namesake, Crad. [Craithenard]. But at the same time I own that all of us were concerned ; that there was a great need of haveing our Right apportioned, and to know exactly what we are entitled to, particularly in that of being supplied out of the nearest and most adjacent Woods. But I shall not just now enter further into the merits of the cause, but shall take this opportunity to observe that it has often occur'd to me that the present dispute might be settled fully as much to the satisfaction and more to the advantage of all concerned (by (besides) saving expenses) in an

I From this it is evident that Mrs. Farquharson—nee Miss Eyre—was still alive in 1777. Whether she ever resided in Scotland is uncertain. The House of Monaltrie was burnt in 1746, and a new one had not yet been built.

amicable manner as by law ; and as I have now for some time been a party, by the little purchase I made from the late Rochallie, I thought that any hints from me to your Lordship would readily be disregarded, besides that I might have been blamed by others for so doing without their concurrence and approbation ; but as yr. Lordship has mentioned the affair to me, If you'll either let me know something more of your mind on the subject, or will authorize any gentleman (who is not letigiously inclined) to meett with me, and have a conference together on my going down to Scotland in May, it shall not be my fault if there is not a plan laid down which may be the means of bringing about a finall agreement ; and in any event, supposing it should not succeed, your Lordship may depend upon it that there shall not a syllable of what ye write, or that gentleman may say to me, be made the least mite to your prejudice, so that there is a probability of it turning to good and an absolute certainty that it can do no harm.

"I have heard nothing for some time of what is doing in the affair, and as the Session is now over, I shall say nothing to Invercauld on the subject till I hear again from yr. Lordship, which I hope will be at your first conveniency. I comonly sett out from home about the first of May for Scotland, but I doubt yr. Lordship seldom leaves London so early, otherwise I should have been glad of seeing you at my little habitation here, meantime I have the honour to be &c.

Durham

March the 17th

1777."

His Lordship replies :—

"Dear Sir,

Whitehall, March 22nd, 1777.

I did not know that you was a proprietor of lands entitled to Servitude when I wrote to you ; however, it could have made no alteration in my letter, I have too good an opinion of your Principles to imagine that any interest you have in that matter would have had any effect on your friendly interposition. The last memorial on the claim about the Servitude was so stuffed with absurdities and falsehoods that it disabl'd me from offering any terms until I should hear some overture. In consequence of a conversation with Lord Aboyne, some time ago, I wrote to Mr. Rose, who is now at Edinh. to commune with Mr. Macdonald to see if any reasonable accommodation can be made. Should they Persist I must defend myself ; and in that defence I fear not to show where the oppression has been. The long Practice, Books, and Regulations will show the conduct. Notwithstanding the many claims I have on Birch Woods and other Restrictions, I have never done any thing but given always the Servitude in the usual way, and the *abuses* have been

enormous. I should have been very glad to have called on you on my way here, but I pass'd Durham when it was very late. You will have left it before I go down.

"I am always with great Regards,

Dear Sir,

Your most obedient

humble Servant

Fife."

It is perhaps necessary to explain that Francis Farquharson, the "Baron Ban," taken prisoner at Culloden, had regained his liberty and returned to Scotland in 1766. He had no claim for servitude on the Mar Woods in right of his estate of Monaltrie, which had been forfeited; but he had lately, as he states, purchased the properties of Culsh and Tombelly (*which see*), and on them he founded his claim. His residence in Durham was probably owing to some connection his wife had with that city. He had profited much by his long exile of twenty years in England; and on his return to his native country he was much consulted by his neighbours in both public and private affairs.

Gordon of Crathienard, "his namesake," was a favourite of Charles, Earl of Aboyne, who soon after this date presented him to the Church and Parish of Aboyne.

After the case was entered at law a correspondence, of which some copies have been preserved, arose between Francis Farquharson of Monaltrie who, it would appear, was generally consulted by the Heritors of Mar, and Mr. Rose, who was Commissioner for the Earl of Fife.

Mr. Farquharson writes:—

"Manse of Glenmuick Oct. the 31st 1779.

"Sir,

"This forenoon I received yours of the 29th at Blelack, and as I was just on setting out to come up here and had a place to call at on my way, I was obliged to put off writing till now, and am to send this by your bearer to-morrow morning. The contents of yours I own were not such as I had reason to expect, but I shall not retaliate by entering on the merits of the cause as you'll easily believe we differ greatly in opinion as to the foundation of the dispute; and the reviving thereof is not the most proper way to forward an amicable agreement. At the same time I cannot help observing that it is no proof of the unjustness of our claim that several gentlemen have withdrawn their names from legal

pursuits, when it is well known that the first who did so were the original cause of such pursuits and yet withdrew in a very ungenteell and un-neighbourly manner, and (by what Lord Fife himself told me) I dont hesitate to say they did it at the expence of truth, and it is evident they were ashamed of what they had done, when they wanted to conceal the same from the rest of us even after the bargain was concluded. And as to the last gentleman who bargained for himselfe, I had a hand in advising him to make some concessions when he was not inclined to, which I did from a regard to both partys, and that at a time when I thought we were all in a fair way of settling all disputes in an amicable and friendly manner, as I had reason to think from what passed between Ld. Fife and me at Mar Lodge previous to our meeting at Marlee, and what passed between Invercauld, you, and me while there, as Ld. Fife had often told me that he took little concern in these matters himselfe but left them chiefly to his man of business, and that he had given you ample powers to settle an agreement, I thought it would have been rather officious to trouble his Ldship. much on the subject when last at Mar Lodge still expecting to see you there; and his Ldp. only expatiate a little on that and the Beachan, concerning which he had been much misinformed by some who I reckon wanted rather to blow the coall than wished to see matters ended amicably; for I could make it appear to you, or any impartial person if on the ground, that what his Ldp. is now asking for, could not in any degree either be a benefit to his Estate (except that of adding more hill to what is already too extensive) or in the smallest degree to his pleasure, as it is not only at a great distance from but out of sight of his Home, whereas it is much nearer Invercauld and in the mouth of his Tennants' pasture, and most of it in sight of his Home; and I don't recollect your having made any mention of it at Marlee, though I remember your saying that, on Invercauld's getting off the wood of the Ballachbuie for taking on the burden of all the rest of the servitude, yee thought that he should give something to help to indemnify Ld. Fife for what he had payed Ld. Aboyne and Mr. Gordon (or words to that effect), and altho' I do think the one an equivalent for the other, and that the pleasure to each would be reciprocally, I am so far a friend to peace and good neighbourhood that, had we mett and there had been no other obstacle in the way, no man would have been more ready to stretch a point a little in that respect than I have. Altho' I might have used some freedom with Invercauld's purse for the sake of peace, I neither could nor would with his property; and freely own I wd. not part with any there although it were my own, and that for the above just reasons. I had it much at heart to have been instrumental in bringing about a thorow reconciliation between Ld. Fife and Invercauld, which might have been a mutuall satisfaction and advantage to both, and should have willingly gone as far as your home for that purpose; but I

can forsee there are bad advisers in the case, and all such will sometime or other appear in their own colours. Meantime I beg you'l present my respectfull Compts. to Ld. Fife, and I am,

Sir, &c.

"P.S. I shall be in this country all this week and perhaps some days of the next, and if you have any thing to communicate you'l please favour me with a line by the post directed for me to the care of Mr. Charles Farquharson in the Schoolhill, Aberdeen."

Mr. Rose's letters of this date have not been seen.

"Copy Letter to Mr. Rose—Novr. the 2d. 1779."

"D. S. I wish you may not begin to think me officious in my Letters, but this is owing to an alteration in my plan since I wrote you last. My Brother yee know is in a very weak state of health, and he is so earnest with me to go by Abd. in my way to D. (Durham); and I have such a pressing Invitation from a Cousin of mine at the G. (? Grange) near M. that I have resolved to comply with their requests, and go that way in place of going by B. (Braemar) though it is a round about way to M. I expect now to be in Abd. on M. (Monday) first, or at farthest on T. the 9th, and I thought proper to give you the trouble of this to acquaint you that if you think you and I could put an end to that disagreeable dispute between L. F. and Id. *de &c.*, I wd. not hesitate a moment on taking a Post Chaise and waiting upon his Ldp., or meeting with you anywhere; for I own I long much to see the time (which I thought lately was at no great distance) when all of us should be on such a friendly footing as not only to enjoy one another's company with freedom, but be able to project and execute schemes (such as Bgs. and Rds. &c.) (Bridges and Roads) for our mutuall pleasure and the good of the Country. And if his Ldp. be equally willing for a friendly acomodation, I can satisfie you at meeting that what his Ldp. is asking for is not at all of such consequence to him as he is made to believe; and I shall be willing to go as far in an other respect as I well can. And if I am induced to take a Jaunt to your Country, perhaps I may pick up some cash or subscriptions for the B. of D. (Bridge of Dee at Ballater) which has been my H. h. (Hobby horse) for some years, and I shall not be able to ride him much longer unless I can feed him better. If yee think it proper yee may comunicate this to his Ldp. and let me know the result by the Post; and at the same time give my most respectfull Compts. to him; and if you think it unnecessary, it shall be the last effort I shall make. Meantime I beg to be kindly remembered to Mrs. R. and am &c."

The "Baron Ban" did live to see the success of his efforts to build a bridge over the Dee at Ballater. It was opened for traffic in 1783, but had a short existence, having been swept away by a great flood in 1799;

and its successor, built by Telford in 1805, was not much longer lived; having perished in the memorable spate of 4th August, 1829.

Correspondence of a somewhat strained character continued between the opposing parties throughout the year 1780. In the following summer wood was demanded by the heritors (the pursuers in the case) from the Mar Forest of the Earl of Fife. Francis Farquharson of Monaltrie, for himself and other heritors, had been in communication with Wm. Macdonald, W.S., Esq. of St. Martins and Rineton, Agent for the Pursuers, as to the line of conduct they should pursue. Mr. Macdonald writes as follows, addressing his letter to "Francis Farquharson Esq. of Monaltrie—to be sent express from Marlee" (Kinloch):—

"Dear Sir, o

"St. Martins 9th June 1781.

In consequence of your last letter I wrote to Ednr. for a Notariall or certified copy of the Interloqr. which I now send you, and as Bruxie came here this morning I return you Inverey's copy also. Upon conversing with Bruxie and reading the notes he took, I am of opinion that if the timber is allowed this season as usuall near the saw miln it ought to be taken without any Noise, but if an alteration, such as you mentioned in your first letter, is insisted upon, then follow the plan of the Interloqr. and take it in the young Firrs.

"In order that we may be uniform in our conduct, I have troubled you with the enclosed for Charles Catanach (forester for Invercauld), and in case you find it necessary to go to the Ballachbuie, send for Cattanach, deliver the enclosed, and let him take any servitude there also.

"Your demand should be soon made, as you see the wood must be cut in June. Mrs. Macdonald is getting better, and joins me in compts., and believe me always, Dear Sir,

Yours sincerely

Wm. Macdonald."

About this time in an undated letter from Prince's Street to Invercauld on family matters, Mr. Macdonald observes:—"I don't think Fife will come into terms till we have a little Trimming at him this winter, for he is as averse to spend a shilling at Law as any living"; so the prospect of a settlement was then not bright.

From Mr. Rose to Francis Farquharson Esq.

"Sir,

"Duffhouse 24 July 1781.

I am to make an appologie to you for not leaving you a copie of my protest of the 17th, but I think you will foregive when you know

that an interlew thraw (sic) away an hour and a half, and the gentlemen employed at Crathie waited me, and were taken up till late that day ; that next day I was obliged to sett out for Banffshire, so from thence it truly was not in my power ; however the short delay can I hope answer no inconvenience, for, the Instrument will be known at Edinr., and by now your agent will be furnished with it. In case he should not, I inclose a notie to Mr. Nicholson that free of expence you'll get your demand.

"The observation made by you in reading of the protest need not alarm you, for I assure you there is no earthly foundation (so far as I know) for your anxieties.

"I was sorry to see you that day so irreconcilable to the easie measures and to refuse your servitude when offered, and where use and wont established upon giving up the timber all in Ballachbuie free of any further trouble.

"Mrs. Rose returns her best respects.—I am, with much esteem, Sir, Your most obedient and

humble servant

Willm. J. Rose.

"P.S. Its a pity you do not make up breaches amicably, for in legal discussions many questions will occur, and trouble and expences must ensue, which I always believed was not your disposition to promote."

The position of the case at this time was this : The heritors (vassals of Mar) claimed a servitude of fir-wood over all the fir timber that had belonged to the ancient Earldom. The Earl of Fife, who had come in place of the old Earls, disputed that servitude to the extent claimed. In the Charters of 1632-4, the Earl of Mar had reserved the whole of the natural-grown firs to himself, whether on his own personal property or that of his vassals, with one exception, namely :—that Invercauld should have exclusive right, free of all servitude, to all woods, natural-grown and other, between the Garrawalt and Craigkynoch. The rest of the fir-wood in the Ballachbuie belonged to the holder of the rights of the Earldom, in this case the Earl of Fife. In order to free his other woods from the servitude on them, he now proposes to surrender all right to the Ballachbuie timber, and give it up entirely to his vassals on condition that they surrendered their claim of Servitude on his other woods. This they refused to do, and so the case was about to be brought into the law Courts.

Mr. Rose to Francis Farquharson, Esq. of Monaltrie :—

"Mr. Rose presents his compts. to Mr. Farquharson of Monaltrie.

"In case he has not got a copie of the Protest against him, Mr. Rose

sends the principall, hoping that Monaltry, after causing copie it, will return it by James Robertson.

"Monaltrie will please collect his papers of Cults and Rynobraich, and other lands which hold of Lord Fife, particularly that of Rynloan and Stranlea.¹

"Duffhouse, Wednesday.
1st Augt."

A summons, at the instance of the Earl of Fife, was accordingly issued against "Francis Farquharson of Monaltry and Mr. Alexander Farquharson of Haughton, Accomptant in Edinburgh," calling upon them to produce before the Lords of the Court of Session all the charters, writs, &c., they held over the lands of "Cults, comprehending the Towns and lands of Dalnabo, the lands of Tynabroich and pendicles called Stranlea, Toirbegg of Altuzealzean with the Mill of Cults, all lying in the Parish of Glengairn and Earldom of Mar," with the view of reducing them and rendering them null and void if not found in legal form; and, if in such form, of ascertaining what rights and privileges belonged to them over the grazings and woods of the superior.

Copy of letter, F. Farquharson of Monaltrie to the Earl of Fife:—

"My Lord.

Manse of Glenmuick
August 1781.

"Some misunderstanding having ensued this summer respecting the servitude wood which I, as tenant of a part of Monaltry² and the tenants upon Gardenside belonging to my property claim upon your Ldp's Woods of Marr, that induced me and them to go to your Ldp's Woods of Ballachbuie, and at our own hands to take timber therefrom to answer our purposes, because we were refused the servitude from the woods in Braemar wherefrom we have been in use and wont formerly to be supplied; and as our state of procedure has been constrained, and given offence to your Ldp. and induced an application to the Court of Session for an Interdict, which is obtained stoping the wood so cut out of Ballachbuie. Therefore, in order to avoid legall discussions, prevent expence, and pave amicable measures, I ask the favour of your Ldp. that the said Interdict be withdrawn, and that the poor people be allowed to carry home the timber so cutt, and I do agree not only that no handle or

¹ These were the lands Monaltrie had lately purchased, and formed no part of the forfeited estate

² He was at this time tenant, but not recognised proprietor, of part of the forfeited estate, namely, the Mains of Monaltrie, and as such claimed servitude on the woods of Mar.

ent shall be made of what is done, but I agree that the resorting to wood of Ballachbuie this season shall not be practised in future unless it be found competent by the Judgment of the Court of Session in the present or after Declarator.

"I hope this proposition will be deemed reasonable, and I shall be happy it meets with your Ldp's approbation. I have the honour to be,

My Lord,

Your Ldp's most obedient and
humble servt."

Mr. Rose, to whom the original was sent for presentation to the Earl, thus replies :—

"Sir,

Duffhouse 6 August 1781.

In answer to your letter, which I have just received, I send you a copie of such my letter as suggests to me shoud be wrote my Lord Fife, who will be at Marlodge on Monday, and to which place you will please write his Lordship, and get his own answer.

"It will give me great pleasure to know that this proposition be realised, and a mean in the interim to bring about amicable measures, and thereby prevent trouble and expence which otherwise must be the consequence.

"Mrs. Rose returns her best respects to you.

"I have the honor to be,

Sir,

Your most obedient and most
humbl. Servant

Willm. J. Rose.

Frans. Farqrn Esq."

The result of Mr. Farquharson's proposal or request was more favourable than he had any good hopes to expect, as appears from a "Coppay Letter, Mr. Mitchelson to Mr. Macdonald."—

"Carrubbers Close 17th August 1781.

"Dear Sir

Altho I can neither approve of your Factor's precipitate manner (Monaltrie was the Factor referred to) of cutting down Lord Fife's wood for his servitude timber, nor the style of the answers to the Bill of Suspension and interdict, yet I have got authority from Lord Fife to allow your tenants to carry home the wood already cutt so as they may get their houses repaired before winter, which Indulgence shall not hurt the right of either party; and I hope you will give directions that the

wood be properly apply'd for the purposes of the servitude. I have got no authority as yet to allow Monaltrie to carry away his.¹

I am, Dear Sir,

Your most obedient servant
Jo. Mitchelson."

Monaltrie next addresses two long letters to his cousin of Invercauld :—

"Manse (of Glenmuick), Septr. the 3d 1781.

"Dear Sir,

I have endeavoured to write the Inclosed in such a way as yee may show it to Mr. Macdonald, but how far the contents will prove satisfactory is more than I can tell; for I have diffidence in every proposal which comes from a certain quarter, and yet we must try what has probability of success.

"I think, when you meett with Mr. Macdonald you need say nothing to him about the method which should be taken in the division of the wood, in case of a bargain being made with Lord Fife (that is, whether it should be divided according to the *valuation* or not) unless it come of him to speak of it himself, and to object to that method, which I hope he will not, as the expence of the law plea, and all public burdens are payd. according to the Valuation; and as to your lands of Richarkrie I think they ought to be reckoned of equall valuation with the other half davoch of Inverenzie and be entitled to wood in proportion. And I hardly see any other method that could be taken; for it would not be easy to come at all the Reall Rents; and allowing that we could, the lands of Monaltrie would come in for too small a share according to their value, as there is no land in the Countrie so cheap rentalled. And although I think the above method (by the valuation) the most proper, and that I should be a loser by any other, yett it shall not Imperl any settlement if it be found necessary; but that may be settled afterwards amongst ourselves, or determined by the opinion of such as Haughton; for at present I wish we could bargain with Lord Fife, that being of most consequence, and without which we should not have the other to settle.

"I happened inadvertently to mention in the end of the Inclosed that I was going to-morrow to the Burriall of John Farq'rson's wife (Mr. Macdonald's sister),² but perhaps altho he should see the rest of the Letter

¹ Monaltrie's personal claim, as already stated, was founded on his being a tenant on part of his former, now forfeited, property. It would seem that the Earl of Fife was slow to admit its validity; or, it may have been, that he did not consider Monaltrie to be in the position of "the poor people" for whom he had pleaded.

² John Farquharson was tacksman of Tullighermack, a farm near Tarland. Another sister of Kineton's was married to James Robertson of Ballaterich, in whose house Mrs. Byron with her son, afterwards the celebrated Lord Byron, lodged during the summer school-holidays of 1796, 1797 and possibly 1798.

as concerns the servitude, he may not read to the end of it, and even if he did, it does not signify.

"The sooner I hear from you the better ; and perhaps by the time you write me yee may have some guess when you'll be at Marlee ; and if there be a meeting it may possibly be contrived to time it while yee are in that part of the Countrie, unless yee think that Mr. Macdonald could come over to Deeside. It is almost dark and I am tired writing, but as I shall not leave till to-morrow morning I shall only wrt. at present that I ever am

Dear Sir, yours

F. F.

"P.S. I think you had better burn this cover in case it fall by hand.

"It is now Tuesday morning, and the bad weather has returned, for it comes apace, so that I cannot go to the Buriall. I had a letter last night from James Robertson, the Mason, who has been detained from coming up by the bad weather, but is now to be here in a few days, and is to follow your advice and mine, and cart some of the stones as well as quarrying them ; but as I have waited him and the Meeting about the Fox-scheem, I intend setting out to-morrow for Mr. Johnson's and, if the weather will permit, returning again against Monday first."

The enclosed letter to which the above has reference is as follows :—

"Manse of Glenmuick, Sepr. the 3d, 1781.

"Dear Sir,

Before you left this countrie I had a good while's conversation with Abergeldie on the subject of our law plea with Lord Fife about the servitude, which was introduced by my having occasion to apply (to) him for wood to some of my people in Glengardyne, who stood most in need of getting their houses built or repaired before winter.

"Amongst other things we had a pretty free communing concerning the agreement made by Lord Aboyne and Mr. Gordon, in which he endeavoured to vindicate his own conduct in it which I need not be repeating here, he afterwards signified that he would willingly do any thing in his power to contribute to bring about an agreement amongst all of us, but could not take upon him to interfier without being desired so to do by some or other of those concerned, and at the same time professed the greatest Inclination to be of service to and oblige you and me ; upon which I told him that it would certainly be doing a favour to both sides of the question if he could be instrumentall in bringing that affair to a conclusion ; and in that event anything concerning the good of the country in generall would readily be carried on with better success and more unanimity than at present.

"I then gave him a sketch of what footing the affair had near been

settled near two years agoe and the manner of Lord Fife's breaking off, and the treatment I mett with from that quarter, which I did not forget, but was still equally willing for amicable measures. I told him that I thought it better to say nothing to you on the subject till such time as he should get a proper opportunity of sounding Lord Fife and of knowing how far he was disposed to settle properly ; for that, if he was still to make any such unreasonable proposalls as that of his getting off any part of the Forest of Caich, it would be quite unnecessary to say a word more on the subject ; but if he found him disposed to treat on reasonable terms, I should then apply to you and Mr. Macdonald, and do all that I could to get things brought to a conclusion to the satisfaction of all concerned, notwithstanding of what happened formerly, and that I would take the liberty to authorize him to do as above, the consequence of which was that lately Abergeldie dined one day at Mar Lodge with Skene, and when he took Lord Fife out to another Room before dinner and began the conversation by applying (to) him for the Bridge of Dee (the first bridge at Ballater) and then brought in the affair of the Plea about the servitude in generall by regrating that such disputes should subsist so long between such neighbours &c. Upon which Lord Fife expatiated as usuall on his being always inclined for peace and amicable measures, and how much he wished to be on a good footing with all his neighbours, particularly with you, but that somehow his Intentions had been frequently misunderstood ; and when Abergeldie told him that he understood that the whole affair had been near settled sometime agoe, he said it was true ; only as part of his wood was on your ground in Caich, to prevent future disputes, he had proposed the drawing a line from the top of the hill by the head of the wood, and you to give off that piece ; but after a deal of discourse of that kind, and observing of what little consequence the expense of law plea was to him, and the great consequence that a settlement would be of to us, yett he was very willing to come into any reasonable measures ; but as there had been so many mistakes (as he called them) he proposed that you and others concerned should put their proposals in writing and that he should give an answer to the same in writing also, and, in case of not agreeing, that it should not be made any use of in the Process to the disadvantage of either party ; but if matters were like to be settled, he offered to let Abergeldie be the person who should meett on his part ; but Abergeldie declined acting in that capacity *singly*, upon which his Lordship sayd he would, if necessary, send for Mr. Rose to act along with him ; at the same time his Lordship seemed highly offended at my late conduct, particularly at my so much as suspecting that he was capable of taking advantage of my *situation* ; for that he only meant to object to my now being forfeit, and not being able to show a good Teittle to some of the Lands, and that he was determined to cause his man of business proceed directly in the affair, which

gives me but little concern when compared to the principall dispute, and I reckon at present he is a little picqued at my not writing him asking the wood to the Tenants as a *favour*."

"Upon the whole I think there can be no harm in trying the above method, and after yee have had an opportunity of meeting and consulting with Mr. McDonald, if you and he approve of it, yee can either write to me and Inclose a memoriall containing the terms yee would be willing to agree to, which I can give to Abergeldie and Injoin him not to leave it with Lord Fife, or so much as give him a copy of it, unless he finds that he is like to come into reasonable terms, or yee may write an ostensible letter to geldie (sic), and let me know the contents of it that I may tell him that I approve of *them*, for whatever you and Mr. Macdonald propose I shall agree to.

"I shall now take the liberty to mention the Terms that I think we may willingly accept of. Altho' I am sensible that the wood of Ballachbuie is of no great value, and that it has sustained more damage by sale &c. than to the full value of what sum of money Mr. Rose would probably have accepted of two years agoe, Yet I wish we had sd. wood (bad as it is) in lieu of our servitude and the taking off all kind of pretended restrictions of planting &c.; and between ourselves I would give my vote, if better could be, to give a small piece of money by way of throwing a bone in the D . . . 's teeth in order to have done with him; and if the affair is settled on that footing, in my opinion (as I know yee dislike that of the taking the burden of any of our servitudes upon you) the most proper method would be, for each of us to get a part of the wood at Ballachbuie, that is from the Easter Garrawalt Burn to the march with Ballmorall at the Burn of Rynarait in proportion to our respective claims, and to be entitled to all the firwoods growing and to grow within the bounds to be marked off for each of us and that for the space of — years (suppose 40 or 50) against which time it would be our own faults if our successors had not fir wood enough and to spare, for the use of themselves. And as to what wood is in the Beachan on your side of the march, L. F. might either get leave to keep it, or he might sell it to you

I What had hurt Monaltrie's feelings was that he had conceived Lord Fife, in some of his observations, had made reference to Monaltrie's having been a rebel and forfeited his Estate and with it had forfeited also his claim on the servitude accruing to that Estate. This would have been both ungenerous and unjust on his Lordship's part; and he takes the earliest opportunity of indignantly repudiating that anything he had said had the slightest reference to that part of Monaltrie's past history; and that all he meant to imply was that it was Invercauld, as having acquired the proprietary rights of Monaltrie, and not his cousin, Francis Farquharson, who had forfeited them, that ought to advance the claims of the Estate for servitude on the firwoods of the Earldom. This was no doubt legally true; but Monaltrie (the Baron Ban) had never claimed on the forfeited (annexed) Estate, but only on the Estates of Cults, Tombelly and Dalbagie which he had purchased since he had received his pardon in 1766.

as yee could agree, or as it could be valued at by people of skill. I wish yee may not think I am taking too much upon me as to authorizing Abergeldie to sound L. F., or in giving the comission; for I have had such bad success hitherto in this affair that I am very diffident of my own Judgement and how to act properly, but if things come to such a bearing that there be a meeting about it, I know yee will not only wish (as I do also) but it will be absolutely necessary to have Mr. Macdonald present; and therefore I think both on your account and on his that Coupar would be the proper place. I make no doubt but the Trustees would agree to any terms that (if) you and I and Mr. Macdonald would suggest it, and so would John Farqrsen, Micras, and Francis Symon, and the rest are but of little consequence, for part of Easter Micras belongs to a minor which needs be nothing to a compleat bargain, if other things answer. I should have wrote you some days agoe but was differring in hopes of our having a meeting to-morrow about the Fox scheme, and to see what might cast up then, as L. Aboyne and Abergeldie were to join us to-day at Marr Lodge, and to endeavour to bring L. Fife down to the meeting; but L. Aboyne was affraid that the Water of Dee was not passable yesterday for him to get over to Abergeldie, and the meeting is put off till Wednesday the 12th Instant, which is a disappointment to me as I had laid my plans otherwise, and now I am ty'd down to attend at Crathie that day, but there is no help, we must yield to these great folks. I go now to-morrow to the Buriall of John Farquharson's wife in Tulliehermick, which I could not have done had our meeting held, and after that, I believe I shall go down to my nephew to see Mr. and Mrs. Johnson. I beg you'll give my best Compts. to Lady McIntosh, and the young Ladies, and believe me ever to be, Dear Sir, yours most affectly. while

Fran. Farqrsen.

"This goes under L. McIntosh's cover
I have none for you.

"P.S. Yee got over the hills in good time for we have had very bad weather (I may say) ever since till yesterday which has not only retarded the harvest and other works, but I am affraid has hurt the corns a good deall, and we had some shake with a high wind on Thursday night, but as I do not like to be the messenger of bad news I shall not enlarge on so disagreeable a subject, and now the weather promises well."

The letter is addressed—"To James Farquharson of Invercauld Esquire, Leith," where he had his winter residence, and where several of his children died and are buried, as also his sister, Lady McIntosh, the heroine of the '45. See *Genealogy*. Mr. Farquharson was at this time a widower, his wife, Lady Sinclair, daughter of Lord George Murray, having died in 1779.

The contract with the mason, Robertson, was for the building of the present House of Monaltrie at the foot of Craigendaroch, which was completed in the following year, 1782. Till then, during the time passed in Scotland (his winter residence was in Durham) he lived in hired apartments, most frequently in the Manse of Glenmuick with his friend, the Rev. William McKenzie, a son of the Laird of Park, and occasionally with his nephew, Mr. Johnston (or, as he spells it, Johnson) of Caskieben, a collateral descendant of Dr. Arthur Johnston, the celebrated scholar and Latin poet.

The Situation, to which reference is made in the letter, was that of having forfeited his property in consequence of the part he took in the affair of the '45. The "Baron Ban" would naturally be very sensitive on this subject. (*See Footnote p. 169.*)

The Valuation referred to is probably that of 1696; but there are three papers (undated), but evidently drawn up with reference to this case, containing a valuation of the woods in question:—

"Value of Wood	-	-	£708	7	0
Deduct value of Caich	-	-	60	0	0
<hr/>					
Nett value of Wood			£648	7	0
<hr/>					
Total free rent	-		£681	2	6
Less value of Wood			648	7	0
<hr/>					
Difference			£32	15	6.

If Invercauld was to allow £1 for each pound of Rent, but of this difference Invercauld reserves about £17 for his own lands, so that by throwing away the fractions he would only lose about £14 or £15, and save all calculations. The amount of the whole feu dutys is supposed to be about £29. On this supposition a guess was made to Invercauld's feu dutys for Castletown, Richarkerry, Crathie &c &c and to Rinloan feu duty."

The above seems to have been an estimate by a skilled person to enable Invercauld to make a fair offer to Lord Fife. The woods referred to are those between the Easter Garrawalt and the march with Balmoral.

Mr. Macdonald, to whom Monaltrie's letter of 3d Sepr. had been submitted, thus writes to James Farquharson of Invercauld:—

"St. Martins 3d Oct 1781.

"Dear Sir,

I heard very agreeable tidings of you by Coll. Murray who was here Monday last, and I attended him at the County meeting yesterday.

"I thank you for the fine quarter of venison, and am much obliged to Benzie for his usuall attention.

"As to the subscription and termination of all disputes with Lord Fife, it is certainly a very prudent measure, and you may depend upon every aid in my power ; nor am I in the least afraid of your taking bad or improper grounds.

"I am glad that you have found Abergeldie and Mr. Rose disposed to friendly measures. His Lordship might have found us fully as troublesome, had he pushed matters to extreemity, as even the greatest men he ever engaged with in the Low country, but it's far better to end quietly, and come off with a handsome retreat. I do hope that Abergeldie may gain credit to himself by an honourable conduct in the determining these controversys. I am by no means impatient to learn the particulars of the Treaty, as I am not half so diffident of your abilities to transact the matter as you seem to be yourself.

"I go this day to Taymouth on business, and to the Carse of Gowrie friday. Next week, by order of the Lord Advocate, I must be in Edinr. to attend a proof he has ordered in a question of Property referred to his decision.

"Mrs. Macdonald joins me in dutifull compts. and best wishes, and I ever am,

Dear Sir,

most sincerely yours
W. Macdonald."

"The agreeable tidings" to which Mr. Macdonald refers were probably the agreement come to between the Earl of Fife and Invercauld to submit the disputes as to the servitudes to the arbitration of Charles Gordon Esqr. of Abergeldie. The following scroll, or copy, of a letter from Mr. Farquharson to Mr. Macdonald has been preserved and shows the position of parties when the agreement was signed :—

"Invercauld the first Octr. 1781.

"I received the satisfaction of yours of the 22d ultmate by our friend, Bruxie, who has gone down the country and is to forward your letters. On my arrival here I had no hopes of a compromise with Lord Fife ; and found afterwards, from various circumstances, we were all like to be more and more involved with his Lordship in different

Processes. In short an accidental opportunity offered on Thursday last, of a conversation with Mr. Rose at the time of his serving me with an Instrument of interruption (interdict) containing a variety of new matter. In an after conversation he had with my Factor it appeared that some more condescending light was thrown on our disputes than I had expectation of. Since then all was brought to a crisis that could admit of no delay. I therefore determined to act for the best to forward our united interests, as far as lay in my power. So Lord Fife and I have this day, after settling what I think the principall points, signed a submission to Abergeldie.

"I have not time at present to enter on particulars, but you shall soon have them.

"I am far from having the vanity to think my capacity equal to such a tasque (task), or conduct in it unexceptionable; but the necessity I was under entitles me to expect great allowances from even you; and I hope with your good assistance to have everything tolerably well settled. Monaltrie (*see the reference to the "situation"*) who was inflamed by some late conduct of party's was luckely out of the country." (Here the scroll abruptly breaks off.)

No description could more faithfully pourtray the conciliatory character of James Farquharson of Invercauld than he himself does unintentionally in the above quoted scroll letter. The disputed matter might have gone on for years through agents, but when the principals (Lord Fife and Invercauld)—two sensible men—met by themselves, preliminaries were very soon arranged.

AND THIS WAS THE BEGINNING OF THE END OF THE "THIRTY YEAR'S WAR," AS IT WAS OFTEN AFTERWARDS FACETIOUSLY TERMED.

"The Instrument of Interruption" referred to is a long document, which may be omitted, as it took no effect. It was to prevent Invercauld cultivating or planting any land in the Ballochbuie or the forest of Caich.

The whole matter now enters upon a new stage.

SUBMISSION TO ARBITRATION.

First, there have to be submitted to Charles Gordon, Esqr. of Abergeldie, the arbitrator selected by both parties, the matters on which he is to arbitrate. The principal points had been settled by the Earl of Fife

and Mr. Farquharson of Invercauld, but many details had to be looked after by their agents.

Heads of submission were drawn up, and after consultation the following submission was agreed to :—

“ The Right Honourable James, Earl of Fife, of the one part, and James Farquharson, Esq. of Invercauld, of the other part, Considering that sundry articles by way of Overtures are, of the twenty ninth day of September last, entered into between William Rose, as Commissioner and for and on account of the said Earl, and the said James Farquharson Esquire, in the presence of Charles Gordon Esquire of Abergeldie, Whereby the said Earl and James Farquharson Esquire agreed that I, the said Earl of Fife should convey to the said James Farquharson the woods of the Ballochbuie on his property and all claims thereto, to convey also the woods of Glenfarder, and renounce the reservation upon Invercauld's grounds ; That Invercauld is to convey, and renounce in favour of the said Earl all his servitudes for his Lands under whatever name and denomination the same may be, and to obtain renunciation from all other heritors concerned in servitude of any kind, so as the said Earl's woods are to be totally disburdened. That Invercauld is to have right to the said Earl his reservation of Woods, growing and to grow on the other gentlemen's grounds, except Alexander Farquharson of Inverey and those already agreed with : That Invercauld is not only to dispoise the foresaid servitudes, but the parties are to agree that the said Charles Gordon of Abergeldie shall fix the Line of March in the Glen of Caich, his Lordship being always entitled to the property of the grounds upon which his woods or any woods presently are grown, or do grow ; That all processes pending between the parties are to be discharged, and the agreement to take effect at Whitsunday next, and particularly there is to be discharged the Interdict depending against Francis Farquharson of Monaltrie, but not any claim competent against Monaltrie for his lands in non-entry ; That the said Earl, thus conveying the Woods of Ballachbuy and Glenfarder giving up his reservation on Invercauld's grounds, purchasing of other servitudes, and renouncing in his favours the reservation of the other gentlemen's properties, his Lordship gives up too much ; But by the said overtures, It is agreed that the value of these differences, and all claims anent the premises are to be submitted to the said Charles Gordon of Abergeldie, as Arbiter, mutually chosen, who is thereby to have power to determine thereon, and to give what in point of value as accommodation may be thought adequate, and whose decision all parties are to abide by ; and whereas the said parties, judging that the said overtures are of themselves rational, and seeing it prudent and

necessary, they have intered into the following Covenant and submission : That is to say, the said James Earl of Fife and James Farquharson of Invercauld do in the first place homologate and approve of the said overtures, and in order to carry the same into proper Execution, they do hereby submitt and refer to the amicable decision, sentence and decreet arbitral to be pronounced by the said Charles Gordon of Abergeldie all and sundrie the claims, demands, compensations and accommodations in the premises which the said Earl has or can claim, crave or demand of the said James Farquharson of Invercauld in the terms and upon the Conditions of the foresaid articles and overtures, or any claim that the said James Farquharson may have on the said Earl ; and particularly to fix, ascertain and determine the line of property in the Glen called the Caich beyond the natural firrs growing on the property of the said James Farquharson ; to fix the claims, ascertain the boundaries, and to do in the matters hereby submitted what any Arbiter can or may do, and that his decision and decreet Arbitral in that matter and anent the values and superplus aforesaid shall be and is hereby declared binding on all parties to all intents and purposes. And which they promise to hold firm without reservation, or again calling, and with power to the said Charles Gordon of Abergeldie Esqr. to call for the Claims, defences, and answers of both parties, and to apply, If necessary, to the ordinary Judges for compulsured production of writes and evidents, and so to do therein, and in the matters hereby submitted to him as fully and freely in all respects as we would do ourselves, and thereafter to pronounce and determine his final sentence and decreet Arbitral in the premises, and to prorogate these presents as he shall see proper, Consenting to the Registration hereof in the Books of Council and Session or others competent, and of the decreet arbitral to follow hereon, therein to remain for preservation, and, If need beis, that all execution needful may pass and be used hereon in form as effiers, and to that Effect constitute,

Our procurators &c., In Witness whereof we have subscribed these presents Written on this and the two preceding pages of Stamped paper by the said William Rose at Mar-Lodge the first day of October One Thousand Seven Hundred and Eighty One years, before these Witnesses Colonell Sir James Duff of the first Regiment of Foot Guards, and the said William Rose, Witnesses also to the marginal note wrote on the first page by him."

CHARLES GORDON of Abergeldie, to whom was entrusted the responsible function of arbitrating in the above long-standing disputes, was the grandson of the Charles who acted a similar part in the Corrieyowie case in 1705. Like his grandfather, he was an able man, of a

about the servitude, tho' its doubtful if they will come into Terms which Invercauld and his friends may think admissable ; however, its necessary to have some plan in view to prevent shifting the grounds necessary to be taken.

"From the conduct of those acting for Lord Fife in the last conference it does not appear prudent at first view that Invercauld shou'd give any thing in writing ; for that of writing seems only necessary in the event of a finall compromise to bind down partys who might other ways be apt to resile.

"It was at last conference proposed to give the woods of Ballochbuie [i.e., from easter Garrawalt to the march with Balmoral] to Invercauld as the property of the ground is his already, and by this plan he was to be burdened with the servitude Claimable by his own Tenants, and the severall other Heritors who have a Title to the Servitude over all Lord Fife's wood. This was a good bargain for Lord Fife, as he relieved himself for ever from a very disagreeable Incumbrance, by giving away a small corner which its believed upon narrow inspection will appear to be of much less value than most people imagine, and its doubtful how farr Invercauld might not be a considerable loser by this transaction before he cou'd settle with the other parties concerned.

"Lord Fife seemed to insist for something of equal value in Lieu of this wood, forgetting the burden of Servitude altogether ; and indeed it seems that he pressed for a part of Invercauld's property in the Forest of Caich which is certainly unadmissable in every point of view, as the giving of Property Lands for a perishable Article, such as wood, even that free of servitude, has the appearance of imprudence.

"In the next place, it is threatened that if the Land is not given to Lord Fife he must have money from Invercauld ; but if nothing more is given by Lord Fife than the wood *simply* it is difficult to fix upon what principle such demand is founded. If Lord Fife will, along with this wood, reduce the Feu dutys of the Lands holden by Invercauld himself and those other Heritors to a *Blank* holding, Invercauld might be tempted to throw away some money, even more than the value of those Feu dutys, as that would enable him to settle with the other partys concerned on easier Terms.

"It is true that Lord Fife agreed to remove the restriction of planting and raising *Scotch Firrs* on the property of these Gentlemen, but it will be remembered that in generall this is truly giving away *nothing at all* ; for unless those proprietors are at the expence of enclosing, and even prohibiting sheep for a number of years, no Firrs will ever rise on these grounds.

"It will be difficult to make the other people concerned give up their servitude merely for the privilege of inclosing at the expence of raising Firrs unless something is given as an indemnification for such

expence—such as the giving up the Feu Dutys, tho even so small, particularly (those to) the Board of annexed (forfeited) Estates and perhaps others, for the example of the Gordons will be in view, and twenty shillings yearly in perpetuity will go farr in building and repairing a small inclosure.

“ These hints are thrown out rather in a loose manner, and also in a hurry ; but it is highly proper that Invercauld shou'd maturely consider the grounds on which he walks in this transaction, as he must have two objects in view, that of making a prudent and convenient bargain with Lord Fife, and the having it in his power to settle with the other partys, as the most insignificant of them might be disagreeable ; and it is with this view alone that the purchase of these Feu Dutys wou'd be a desirable object for Invercauld in the present situation of matters ; and, before concluding, it is necessary to observe that Lord Fife will certainly want to have a renunciation of the servitude from all the Heritors at the time of the transaction, which of course will bring on the mode of settling betwixt Invercauld and them.

“ Having these different points in view, Invercauld will conduct himself as prudence directs, tho' he can hardly determine how to act with absolute decision until he finds out Lord Fife's *Ultimatum*.”

Probably acting on the above advice the following heads of agreement, in scroll, were drawn out for Invercauld :—

“ I. Article : And in place of his own servitude for his Lands in the parishes of Braemar, Crathie, and Tullich, and the servitude of the anext Estate of Monaltrie, and the other Heritors' and Vassals' lands in said parishes (which) have claims on his Lordship's woods, except Lord Aboyne, Inverey, and Crathinard, who have formerly agreed with his Lordship, which servitude the forsaid woods Desponed to Invercauld is only to be burdened with.

“ II. That the Earl of Fife is to renounce to Invercauld the Reservations of all woods growing or to grow on all his property in the above mentioned Parishes, and also to convey in his favours the said Reservations which his Lordship has over the anext Estate of Monaltrie, and on the other Heritors' and Vassals' grounds in said Parishes, except (those of) the Earl of Aboyne, Inverey, and Crathinard, who have already bargained with his Lordship. And that Invercauld is to have the said Conveyance to himself and the others above mentioned made out in as full and compleat a manner in his favours as his Lordship enjoys the saime. And the Earl of Fife is also to be Bound to produce to Invercauld in any processes or disputes that may occur any Charters, or Excerpts of them, or any Baron Court Acts that may be found necessary or of use for Regulating the Management of the said Servitudes on the

already mentioned woods; or, of consequence, for enforcing and making good the Reservation of Woods growing or to grow, so disposed to him, contain'd and now particularly expressed in the Different Rights of the Annexed Estate of Monaltrie and the other properties of the Vassals within the parishes already mentioned.

"III. That Invercauld is to convey in favours of the said Earl the servitudes of his whole Lands that have servitude on his Lordship's Woods, and Likways to obtain a Renunciation as soon as lies in his power from all the other parties concerned in Right of Servitude of any kind, excepting those formerly mentioned who have agreed with his Lordship; so that the said Earl's remaining woods in Mar are to be Totally Disburdened, and Invercauld to be obliged to free and relieve the Earl of Fife and his heirs of said servitudes, and to serve those found Intitled to servitude out of the woods already mentioned Disposed to him by said Earl.

"IV. (4th Article)

"V. (5th Article)

"VI. (6th Article) As to Labouring Utenticles, it is presumed, never (has) been in practice; and his Lordship is fully secured on that head by Article 3rd."

Negotiations had been carried on during the whole summer of 1781 with a view to come to some agreement in regard to these servitudes on the Mar fir woods. Much consultation with friends and law agents on both sides had taken place. The Earl of Aboyne, Alexander Farquharson of Inverey, and Thomas Gordon of Crathinard had, each for himself, privately arranged with the Earl of Fife for the surrender of their privileges. Invercauld and the other heritors had agreed to submit to arbitration the points in dispute between them and the Earl. Matters were in this position when Charles Gordon of Abergeldie, who was trusted and consulted by both parties, wrote to Invercauld as follows:—

"To

James Farquharson, Esq. of Invercauld.

"Dr. Sir,

I have been considering your bargain with my Lord Fife, and don't think you can give the Vassals a servitude on the Ballachbuy &c. and at the same time give them up the title to the fir woods and planted firs on their own lands without getting some consideration from them. You know you give up part of your own property in Caich, which should be valued, and each vassal should pay you a proportional share of such value and of any expense you may have been saddled with for consulting and writing papers. You act for the whole, but ought not to pay for the

whole. Of this more when I have the pleasure of seeing you ; but in the meantime I thought it proper to give you the hint. Peter (his eldest son) is to shoot through the north hill on Tuesday, and will wait on you in the Evening. Mrs. Gordon and he offer you best compts.

I am, with real regard,

Dr. Sir,

Your most affect. humble. Servt.,

Charles Gordon.

"Abergeldie

1st Octr. 1781."

"Monaltry has not arrived here as yet—4 o'clock Afternoon."

Soon after this Mr. Gordon was chosen as Arbitrator on such matters as the principals could not agree upon ; and a submission, much in the terms already quoted, was signed by both the Earl of Fife and Invercauld, and handed over to him. Before the end of the month he was prepared with his decision. He then wrote thus :—

"To James Farquharson Esq. of

Invercauld

Edinburgh.

"Dear Sir,

Mr. Morice (Advocate in Aberdeen) has been two days here, and my Decreet Arbitral is scrolled, and will be extended on Stamped paper and signed this day ; but as Mr. Charles Farquharson (W.S.?) is obliged to go home, and tells me he has an opportunity of sending my letter to Marlee, I thought proper to let you know. You are to get Ballachbuy and Glenfarder burdened with the Servitude of the other Heritors ; you are also to get a Renunciation of the claim for Woods growing and to grow upon all your own Lands, and also the claim upon all the other Heritors' Lands for woods growing and to grow conveyed to you by Lord Fife. You are to renounce in his Lordship's favours the Servitude you have for all your Lands on his Lordship's Woods, and to procure Renunciation from the other Heritors of their Servitude ; you are to Dispone that part of Caich to Ld. Fife as marked and cairned off by me ; and you are to pay Fifty pounds Sterling as a ballance to Lord Fife.

"You will perhaps think I have given too much, but I have the pleasant reflection of being a means of making and keeping peace, and of saving a great deal of money from being thrown away on a Variety of different litigations ; and I shall be happy if my Decreet Arbitral pleases all parties. I have given it impartially and to the best of my abilities.

"Mr. Morice will carry the Decreet Arbitral to Aberdeen to be Registerate, and will send you an Extract. I shall write you fully by him, and give him two or three Franks for you to hold the Extract which will be pretty Bulky.

"Mrs. Gordon and Peter join me in offering our best Compts. to you, Lady McIntosh, and all your family. It will give us real pleasure to hear you are all well.

I am most sincerely,

Dr. Sir,

Your most afft. & obdt. servt.

Charles Gordon.

Abergeldie

23rd Novr. 1781.

"You are to have time to procure Renunciation from the other Heritors of their Servitude, and in the meantime you are obliged to serve them in servitude out of the Ballachbuy and Glenfarder to be conveyed and Disposed to you."

Mr. Gordon follows this up by another letter of same date :—

"Dear Sir,

I wrote you this morning by Mr. Farqrson, and now I take the opportunity of Mr. Morice, who goes to Aberdeen to-morrow morning, to write by him, and to acquaint you that my Decreet Arbitral is signed, an Extract whereof you'll receive almost with this.

"I have been as full and particular as possible, and I hope I have omitted nothing particular. I found myself hampered by the Submission and other circumstances which made me give fifty pounds, which is not a great sum amongst all concerned in the Servitudes ; especially as they are at liberty to plant, and have a full right to all their woods if they chuse to make a reasonable agreement with you, and they have (what no Court cou'd have given them) a right to the Natural firs growing and to grow on their own Lands, and to Allar (Alder) &c. Besides, by looking into Extracts of their Charters, produced in the process with my Lord Fife, I see it clearly mentioned that they must use their own woods for servitude when it can serve and will answer ; and that the Servitude on my Lord Fife's woods is mentioned to be when their own woods will not answer the purpose.

"If the gentlemen concerned will not agree to reasonable terms, you can give them servitude out of the nearest *woods of the Ballachbuy*, and take the benefit of the Reservations on their property conveyed to you by my Lord Fife ; but I hope you'll settle with all concerned on reasonable terms.

"You have the Reservation taken of from your own Lands which are now totally disburdened, and the pleasant reflection of peace and quiet ; and all concerned may enjoy the same, and are freed from a variety of processes and an immense expense—I may venture to say, equal to the value of the servitude. I am happy with the thoughts of having been the means of making peace, and if my Decreet is satisfactory

it will add to my pleasure. Mrs. Gordon and Peter desire to offer their best Compts. to you, Lady McIntosh, and all the Ladys; please offer mine to them, and believe me to be, Dr. Sir,

Your most Afft. humble servt.

Abergeldie

Charles Gordon.

23d Novr. 1781."

Mr. Gordon, after some delay, again wrote to Mr. Farquharson:—

"Dear Sir,

I hope before now you have received from Mr. Morice the Extract of my Decreet Arbitral, and that it pleases you. As I propose being in Aberdeen at the term, I will be glad to know how much I shall give Mr. Morice on your account for his trouble and expenses coming here. You spoke of ten guineas; but I am uncertain if you meant that from Lord Fife and you; or if you meant it from yourself. I shall cause Mr. Rose pay him for Lord Fife.

"Mrs. Gordon and Peter join me in best Compts. to you, Lady McIntosh, and all your family. I always am,

Dr. Sir,

Yours most affely.

Charles Gordon.

"Abergeldie

3d. Decr. 1781."

The letter is addressed:—

"To James Farquharson Esq. of
Invercauld
Edinburgh."

On the following day Mr. Morice writes:—

"For James Farqyson Esqr.
Of Invercauld.

"Sir,

Aberdeen 4th Decr. 1781.

By directions from Mr. Gordon of Abergeldie I send you under two covers An Extract of the Submission twixt The Earl of Fife and You, and of Abergeldie's Decreet Arbitral thereon. He desired me along with the Extract to send you the enclosed letter from him.

"I hope the whole will come safe to hand, and

I am very respectfully,

Sir,

Your most humble sert.

D. Morice."

There are other two Covers
same address.

Invercauld then writes to Abergeldie:—

"Leith 8th Decr. 1781.

"Dear Sir,

I was favoured with both your letters of the 23rd ultimate which I would have acknowledged sooner, but the last sent by Mr. Morice with the Extract of your Decreet Arbitral did not reach me until the 6th Instant.

"I have now perused your decision with due attention, and do think it very much to the purpose in comprehending the meaning of the Submission and fulfilling the intention of both parties to promote peace. Therefore, please, accept of my hearty thanks for the extraordinary trouble you have taken in perambulating woods and forests, and in being a means of taking away all grounds of dispute betwixt the Earl of Fife and me, as well as putting it in my power to do the same by all the others now concerned in disputes about woods or servitudes within the Lordship of Mar if they choose the adopting of such salutary measures.

"Please, give Mr. Morice Ten guineas for his trouble and expenses independent of Lord Fife's payment. This I have desired my Factor to give you as well as my proportion of payment to the Valuers of the Woods, and any other disbursements you have made or expenses you have been at in this friendly transaction.

"With my best Compliments to Mrs. Gordon and Captain Peter I sincerely am,

Dear Sir,

Your affectionate and
Most humble Servant
Jas. Farquharson."

Mr. Gordon replies at some length :—

"Dear Sir,

I had the pleasure to receive your letter of the 8th the night before I left Abergeldie; and I am very happy to see that my Decreet Arbitral gives you satisfaction. My Lord Fife is very well pleased with it in general, but thinks (by what I learn from others) that he has got too little money. He writes me a very polite letter; and how soon he came to town yesterday he sent to (for) me. I waited on his Lordship and dined with him. He was very polite and easy as usual, but said not a word about the Decreet, nor did I to his Lordship.

"I return you many thanks for the Hind you was so good as order to be sent to Abergeldy (sic). It was by my orders forwarded here, and was good and a great bon bouche (bonne bouchée?) to some of this town's people, and cost the Doctor (Skene) some Claret.

"I don't know how to behave wt. Mr. Rose, as he positively refused the half hogshhead of Claret you ordered. I believe it would be best to send it from this town; and then he could not refuse it,

"I have had some conversation with Francis Symon, and correspondence with Mr. Charles Farquharson, and hope the affair may be brought to a proper issue. He is an unreasonable fool.

"I had last day letters from your young friends in North America. They were well. Willy, poor fellow, had a fatiguing post during the seige, as he had the Command of the Light Infantry Company of the 71st Regiment, and was every night on duty without the lines. He is now at New York on his parole with his brother, David, and will be soon home.¹

"I hope the other Heritors are like to come into proper measures. It will be fully as much for their advantage as for yours, as you have so extensive a claim on their lands. If you'll take the trouble to look at the Excerpts of their Charters in the Printed Memorials you'll see their Servitude is hampered; and that they are positively tied down to use their own woods as far as they will answer the purpose of what is wanted.

"Mrs. Gordon and Peter join me in offering you and all your family best Compliments, and wishing you all many happy New Years.

I always am,

My Dr. Sir,

Your most affect. and

Obedient Servt.

Charles Gordon.

"Aberdeen

30th Decr. 1781.

"The Doctor and Mrs. Skene² offer you best Compts."

Thus peacefully and satisfactorily ended the contention regarding servitudes as between the Earl of Fife and Invercauld.

Although the Earl of Fife had thus got rid of all the servitudes on his woods, Invercauld had now to reckon with the other heritors who still had claims. In some cases this gave no little trouble, as the following correspondence, very characteristic of the times, sufficiently shows.

William Macdonald, W.S., Esq. of Rineton, to whom Invercauld had submitted the agreement he had made with Lord Fife and the terms of the submission to Abergeldie, had, in returning these documents, warned his friend of the trouble he might be bringing upon himself and

¹ William and David Gordon were sons of Charles of Abergeldie. They had been serving under Lord Cornwallis in the American War; and the siege referred to was that of Yorktown, where the army under his Lordship was blockaded by the French fleet under Count de Grasse and besieged by the allied army of French and Americans, and compelled to surrender, 19th October, 1781. The two brothers were of course prisoners, but released on parole and soon expected home.

² The Doctor so often referred to in Mr. Gordon's letters was George Skene, M.D., Professor of Natural Philosophy in Marischal College and University. He was Abergeldie's son-in-law, having married his daughter, Margaret, 26th Oct., 1769. See *Records of Mar. Col.*, p. 46.

suggested a scheme of adjusting the claims of the different heritors, *i.e.*, according to their valued rentals. Acting on this advice, Invercauld endeavoured to persuade them to submit their claims to the arbitration of Abergeldie. The following letters passed between the parties interested with a view to attain this object :—

“ James Farquharson Esq. of Invercauld
To Charles Gordon Esq. of Abergeldie.
Leith, 10th Janry. 1782.

“ Dear Sir,

I received the satisfaction of yours of the 30th Ultimate. Lord Fife was so good as to pay me a visit here on his way to London, and warmly expressed his satisfaction in having the means of all differences taken away betwixt us. I observed to his Lordship that notwithstanding of the distinct decision given with respect to him, I might have trouble with others from the burden I had taken upon me. He seemed to think there was small risk in this; but if so, he was ready to give me his assistance,

“ This leads me to make mention of Francis Symon, who, I hope, will conclude a bargain with you on the terms offered viz. £250 stg. which is more than value as land goes. If he agrees, it is necessary to fix securely with one so unsteady before he touch a shilling of money.

“ You may please defer doing anything as to the half hogshhead of Claret until we meet which I hope will be about Whitsunday.

“ I am glad you have such good accounts from your sons in America. Wishing Mrs. Gordon, you, and all your family many happy returns of the Season.” &c.

Invercauld again writes Mr. Gordon :—

“ Leith 28th Jany. 1782

“ Dear Sir,

My Factor will herewith deliver a Submission signed by those of us most principally concerned to enable you to give a second and final sentence to take away all means of disputes amongst us as to woods, Servitudes &c. I hope you will be so good as to continue your friendly interposition by pronouncing a Decreet Arbitral thereanent, previous to which I request the favour of your aid in procuring subscriptions to the Submission by any of the heritors that have not as yet adhered, so as to fulfill the laudable intention of complete peace. I shall not enlarge further on this subject; as the bearer, who has been all along extremely ready with his good offices, can acquaint you more particularly,

“ With pleasure I heard lately of your Son's Marriage. Pray, present my congratulations to him and the young lady on entering into a state, I

believe, capable of the greatest happiness that this fluctuating world affords. With my Kind Compliments to Mrs. Gordon, I am" &c.

In reply to these letters Mr. Gordon writes:—

"Dear Sir,

I deferred acknowledging the receipt of yours of 10th Janry. till I returned here, and had some conversation with Francis Symon. He has been with me this day, but can't be brought to a final bargain, tho' I don't doubt he may soon. I only offered him £235. He told me Mr. Farquharson (Invercauld's Factor) had offered £250, on which I told him it was too high a price, and I would have no further Thoughts of purchasing, but advised him to settle with Mr. Farquharson. This I did as he always imagined I was acting for myself, and will now think he has only you to deal with. I shall not, however, lose sight of him and shall give Mr. Farquharson all my assistance.

"I am glad Lord Fife seems so well satisfied; and I agree with him in thinking you don't run a great risque; but I hope the other Heritors will agree to reasonable terms as well on their own account as on yours.

"Your friend, Peter, is to be married next week to Miss Forbes of Blackford. Tho' he does not get much money—only £1,500—he gets an agreeable young woman and properly brought up, and not fond of the follies and extravagance of the present age. They are to come here immediately after their Marriage, and stay with me till Whitsunday when I am to yield this place to them and retire to Birkhall. Mrs. Gordon joins with me in the offer of our best Compts. to you and all your family. It will give us real pleasure to hear you are all well.—I am, with sincere regard,

Dear Sir,

Your most affte.
and obedient servt.

Charles Gordon.

Abergeldie

2d Feby. 1782.

"Please offer my kind Compts. to Bruxy and forward the enclosed to Monaltry, which I trouble you with as I have no Franks to him."

Mr. Charles Farquharson was then Factor on the Invercauld estates—the "Muckle Factor" (*Factor Mor*) as he was popularly called—and resided at Cluny Cottage at the foot of Craig Cluny in Braemar, of which residence he had a liferent. "His son, an M.D., having returned from the West Indies, bought BRED A from Mr. Mackenzie of Applecross, and died without issue. After a lengthened litigation, the late Mr. Robert Farquharson, ex Provost of Paisley, and son of the Rev. Robert Farquharson,

minister of Logie-Goldstone, succeeded to the property of Breda." The family is now represented by the Farquharsons of Alargue.

Bruxy, as already stated, was Wm. Farquharson, nephew and successor of the "Baron Ban" in the Monaltrie estate.

In the afternoon of the same day Abergeldie again writes to Invercauld:—

"Dear Sir,

The enclosed was wrote this forenoon, since which time Mr. Farquharson came here and delivered me your letter and the Submission. I am glad to have it in my power to oblige you and the other Heritors, who, I think, have judged properly in settling with you, at least in submitting to me. How far I am a proper Arbiter time will show. I shall only say I shall act impartially to the best of my abilities. I must have Exact Rentals from all concerned and their Claims signed. I suppose Mr. Chas. Farqyson can act for you. Haughton,¹ Bruxy, and

¹ THE FARQUHARSONS OF HAUGHTON are of very ancient descent, tracing, according to Douglas, from the COMYNS of Alityre, as far back as the reign of ALEXANDER III. A descendant of this house, named FERQUHARD, settled in Kellas of Kinloss in Moray; "and his descendants, laying aside the surname of Comyn or Cumming, adopted that of FARQUHARSON; and from this Ferquhard have sprung the FARQUHARSONS of Haughton in Aberdeenshire. The fourth, in direct male descent from Ferquhard, William Farquharson, *alias* Cumming, of Kellas, married, about the year 1580, JEAN, third daughter of John Farquharson of Invercauld, the grandson of FINLA MOR, progenitor of the Clan." Thus early became these two branches connected by marriage. "This William was one of the barons of the North who signed a roll for the protection of James VI. after the Gowry Conspiracy. During the civil wars the Farquharsons of Kellas followed the fortunes of Charles I. and II. and lost their Estates in consequence. It is said there were several of them present at the battle of Worcester, where they all fell except one. John Farquharson, the sole survivor, married in 1656 a daughter of Donald Farquharson Esq., fifth son of Invercauld, and left a son and successor."—*Burke*. The genealogical accounts make no mention of this Donald, but he was probably a son of the John whose daughter had already married into the Kellas family. *Burke* states that it was this John of Kellas who bought the Estate of Haughton; but if so, and the above date of his marriage (1656) be correct, he must have been a very old man when he acquired the estate; for Mr. Jervise, on the information of the late Mr. Farquharson of Haughton, who was a man of very accurate knowledge on these matters, states that "The first Farquharson of Haughton was 'John Farquharson in Breda' who bought these lands and others from William Reid in 1721-22."—*Epitaphs and Inscriptions*, Vol. I., p. 118. Mr. Jervise adds—"These he conveyed to his eldest son, JOHN, in 1730, on whose death in 1745-6, his second brother, Francis Farquharson, accountant in Edinburgh, served himself heir to the property." This Francis is the "Haughton" so often referred to in the Monaltrie papers as having had the principal management of that gentleman's Scotch affairs during his long exile in England. He died 28th Feb., 1767, and was succeeded by his nephew, ALEXANDER OGILVIE FARQUHARSON, who is the "Haughton" referred to in the text. He had bought some small properties in Glengairn, Auchintoul and others, and hence his claim for servitude on the Woods of Mar.

Rineton can send me theirs. I can settle with Francis Symon and John Erskine here. You shou'd see if Mr. Alexr. Grant, Factor on Easter Micras has powers to doe anything.

"If the Commissioners of the Annexed Estates cannot give up the servitude for money, I apprehend they can excamb. Would it not be advisable in you to offer them that piece of Tullochcoy which is enclosed and lies below the County Road¹ entirely distinct from your other Lands, and a part of what you purchased, and no part of your original Estate? Many obvious reasons should induce you to Endeavour to get free of the Servitude of Monaltry. Pardon me for giving you this hint; it is as a friend and not as a medler.

"Mr. Farqrson has had a conversation wt. Symon, and given him only a fortnight to determine.

"Please, make my Compts. to Rineton, and tell him I had not time to write him, as I am to sett out Early to-morrow for Abdn., but that I shall write him soon and take care of what he recommends to me.

I am most sincerely,

Dr. Sir,

Your most affect and most obdt. Servt.

Charles Gordon.

Abergeldie,
2d Feby. 1782.

"Please, send the letter to my sister."

Mr. Farquharson, Invercauld's Factor, had written to the Laird of Easter Micras regarding the surrender of the servitudes, and had received the following reply:—

"Dublin Barracks, 2d Feby. 1782.

"Dear Sir,

I am this moment favoured with yours of the 26th Ultò. I observe what you say relative to an agreement between Lord Fife and Invercauld with regard to the Servitudes, Woods &c., and that the whole was Submitted to Abergeldie who had determined the woods of Balloch-buy to Invercauld in lieu of his Servitude and freeing and relieving Lord Fife from the whole of the other Heritors as to any claim on his Lordship in point of Servitudes. As you tell me that the other Heritors and Invercauld are to settle their matters in point of Servitude, and that they have agreed to sign a Submission to Abergeldie with power to him to Determine what part of money will be paid each Heritor for their proportion of Servitude. That no delay may be made on account of not

¹ The County Road then passed nearer the Dee than the present one, touching the bank of the river at the Boat of Carnachuinne, so that the piece of land was of small extent, but it was clothed with very fine birches. The suggestion was not acted upon.

being in Scotland, I empower you to sign said Submission along with the other Heritors, and to act for me in that affair in every respect as you shall think proper. I hope you will excuse me for the trouble I have given you.

I am, Dear Sir,

Your most obedt. humble sert.

John Farquharson Jo.

Lieut. 77th Regiment.

To Mr. Charles Farquharson
Factor to James Farquharson
Esquire of Invercauld.

"P.S. Your son is well at present; and intends writing you soon. I think I will be in Scotland about the end of this month. Please make offer of my best respects to Miss Farquharson and all friends in the Country."

The writer of the above letter was the Laird of Easter Micras and Leval; the Factor's son, to whom he refers in his P.S., and who seems at that time to have been connected with the 77th Regiment, was not the one who went to the West Indies as a medical practitioner and afterwards returned and bought Breda in Alford; and the Miss Farquharson therein mentioned, his sister, was so beautiful that she was popularly known as the "Rose of Ballater." She died in the winter of 1804 or 1805, when it is recorded that the funeral procession crossed the Dee on the ice on their way to the place of interment in the churchyard of Glenmuick.

Matters did not proceed very expeditiously with regard to signing the Submission to Mr. Gordon. A few of the heritors—notably John Erskine, Francis Symon, and John McGregor, portioner of Auchalater—still hung back, probably expecting to receive better terms from Invercauld by compounding privately. At length Invercauld thus addressed Mr. Gordon:—

"Leith 15th August 1782.

"Dear Sir,

You will be surprised that our Submission to you has not been returned before this time, which I was anxious should have been done, to prevent your having unnecessary trouble, by taking the opportunity of your man of business whom you expected to be in the Country, as well as to have matters ended. But the delay has been occasioned by the abrupt movements of the Atholl Highlanders which have prevented Lieutenant Farquharson, Micras, from receiving a Factory that is necessary to be returned signed by him to empower acting for him here.

"I expected to have had the pleasure of seeing you again before I left the Country which made me delay talking over matters. I desired my Factor to acquaint you as to the situation of Symon's agreement, and what passed with John McGrigor, portioner of Auchalater, as to the Servitude. I shall still look for your good offices with them.

"I had the pleasure of seeing your son, David, here. It must give you and his mother great satisfaction that he has returned in perfect health after having acted so proper and creditable a part so early in life. Please give my kind Compliments to your Lady and him.

I sincerely am, Dear Sir,
Your affectionate, &c."

Mr. Gordon replies:—

"Birkhall 24th August 1782.

"Dear Sir,

I had the pleasure to receive your letter of the 15th two days ago, and as you say nothing to the contrary I hope you and family were well.

"You left Invercauld a day or two sooner than I expected. On my return from Aboyne Castle I had gone the length of Abergeldie on my way to Invercauld, but was informed you had sett out that morning.

"How soon I heard of Lord Fife's being at Mar Lodge I waited on him, and took care to settle matters so that John Erskine will meet with a cold reception if he makes any false complaints.

"Mr. Farqrsen told me in what way you have settled with Symon,¹ but he must be looked after. The dirty fellow had applied to Mr. Morice, my Doer, for Cash. I have taken care that he shall get none.

"Mr. Morice was with me yesterday. We looked over the nature of the Submission; and I hope he is so much master of the affair as to be able to write a scroll of the Decreet Arbitral by the assistance of the Notes that I shall send him without his being obliged to come here.

"Monaltrie wrote you of the misfortune to the Bridge;² luckily no damage is done to the Stonework; and I am hopeful a great deal of the timber will be recovered—a good deal of it is already brought back by the Country people, who cheerfully give their assistance. This (accident) will retard the work, but I hope things will soon be sett to rights.

"Mrs. Gordon is at Aberdeen with Mrs. (Dr.) Skene who is near her

¹ Francis Symon was a somewhat thoughtless young man whose extravagant frolics, long remembered, soon brought him into financial difficulties that led to the sale of his small property.

² This was the first bridge over the Dee at Ballater, for the erection of which Monaltrie (the "Baron Ban") had been, as already stated, so strenuously exerting himself. The accident was caused by a spate in the river which carried away most of the service work.

time. David is here with me and joins me in kind Compliments to you, Lady McIntosh, and all your family.

I sincerely am,

Dr. Sir,

Your most affect. and
most obdt. Sert.

Charles Gordon.

To

James Farquison Esqr. of
Invercauld
Edinburgh."

The next letter from Mr. Gordon was the following :—

Birkhall, 11th Novr. 1782.

"Dear Sir,

As I heard that Mr. Morice was at Aboyne Castle I sent an Express for him and desired him to come here to Extend my Decreet Arbitral, which I resolved should be done at my sight in case of mistakes. He has been with me these two days ; and now I have of this date put my hand to my Decreet Arbitral, and sent it with Mr. Morice to be registrar, and desired him to send an Extract to you, and one to Mr. McDonald, and another to Mr. Rose, my Lord Fife's Commissioner.

"It will give me real pleasure to know that it gives satisfaction to you and all the other gentlemen. I assure you I am extremely happy it has been in my power to serve you and your family ; and I hope this transaction and the former transaction will turn out to your benefit.

"In the present Decreet Arbitral I have taken care of your interest as far as Character and honor would allow me without hurting the interest of the other gentlemen ; and I have given you on the last part of the Decreet Arbitral a clause whereby no advantage can be taken of you by any of the other gentlemen in case my Lord Fife should refuse to sign the Renunciation till you procure Renunciations from the Commissioners of the Annexed Estates, and from John Erskine. I am hopeful this will not happen ; but I thought it best to guard against the worst. I have enclosed to you a state signed by me of the Calculation of the Value of the Different Servitudes payable to the gentlemen, submitters to me ; and by it you will see your own proportion, and what falls to the Estate of Monaltrie and to John Erskine. You may show this to any of the other gentlemen, but it will not be advisable to give copies. You have also a letter to yourself which you may show to any one of the other gentlemen if you think proper, but give no copy.

"Mrs. Gordon joins me in best wishes to you and your family, and wishing you a safe journey and happy meeting with them at Leith. I am most sincerely,

My Dr. Sir,

Yours most affectionately
Charles Gordon.

"Please, forward the letter to Mr. McDonald.

"A general scarcity is dreaded at Aberdeen.¹ The Magistrates have sent two gentlemen to England to buy grain for the use of the Inhabitants. Upwards of 1000 guineas is subscribed for by the gentlemen of the town to give premiums to those who import grain. I have some thoughts of desiring David to send me from London what will supply my tenants. He gives me a hint that he can do it, and save Commission and the Merchant's profite. It is thought no Farm meal can be got this year, as the harvest is so backward."

There is extant a copy of the signed state of the "Value of the Different Servitudes" which Mr. Gordon had calculated. It is in the following form:—

"Note of Feu-duties paid by lands claiming Servitudes—

Mid Micras	-	£1	19	10 $\frac{1}{2}$	Cults & Tombelly	£8	14	1 $\frac{1}{2}$
Easter Ditto	-	1	19	10 $\frac{1}{2}$	Estate of Monaltrie	2	15	6 $\frac{1}{2}$
Francis Symon	-	0	13	4	Others supposed	1	13	4
John Erskine	-	0	13	4				
					Amount	£18	9	4 $\frac{1}{2}$.

Mr. Gordon next estimates the Rents of the Lands entitled to servitude on the woods; and first lands belonging to Invercauld:—

"Tullochcōy	-	£24	4	3	Castletown	-	£151	1	2
Crathie & Tomadows	26	8	10		$\frac{1}{2}$ of Auchalater		20	0	0
Micras & Torgalter	22	17	9						
Richarkerrie	-	54	9	8	Total	-	£345	9	6 $\frac{1}{2}$.
Coldrach	-	46	7	10 $\frac{1}{2}$					

Then follows:—

"Note of the other Heritors' Rents—

Lands of Monaltrie	£54	5	8 $\frac{1}{2}$	Monaltrie, Cults	}	£101	1	5
Easter Micras	-	34	0	& Tombelly				
Mid Micras	-	30	16	Supposed Rinloan	}	90	0	0
John Erskine W. do.	10	17	9	& Auchintoul				
Do. $\frac{1}{2}$ of Auchalater	6	13	4					
Francis Symon, Micras	10	17	9	Total	-	£338	12	3 $\frac{1}{2}$.

¹ This was the memorable year of famine (1782) so often alluded to by the writers of the 'Old Statistical Account of Scotland,' when poor people lived on imported bran, and the price of farm (oat) meal rose to over £4 sterling per boll.

Next follows :—

" Note of Different people's Rents :—			
Lands of Monaltrie, Annexed Estate	-	-	£354 5 8½
Easter Micras—Grant (for Proprietor)	-	-	34 0 0
Wester Micras—Francis Symond	-	-	10 17 9
" " John Erskine	-	-	10 17 9
John Erskine One fourth of Auchalater	-	-	6 13 4
Monaltrie (not annexed) Cults and Tombelly	-	-	101 1 5
			<hr/>
			£217 15 11½
Mid Micras (Leval) Lieutenant John Farquharson	-	-	
77th Regiment	-	-	30 16 4½
			<hr/>
			£248 12 3½

"Add Invercauld's £354 9s. 6½d = £603 1s. 10½d = total Rents of parties claiming servitude on Woods of Mar."

Mr. Gordon had already estimated the value of the Woods in the Ballochbuie ceded by the Earl of Fife to Invercauld at £702 7s.—This amount Abergeldie proposed to be divided among the different claimants according to their Rentals, and issued his Decreet Arbitral accordingly. All the claimants had signed the Submission to him except John Erskine and Francis Symon, who soon after sold their properties to Invercauld, and with them all their rights to servitudes of every kind.

The following letters indicate the opinion of Invercauld and others as to the justice and impartiality of Mr. Gordon's Arbitration:—

" Leith 5th Decr. 1782.

" Dear Sir,

Herewith you will have a letter rendering my hearty thanks for your distinct decision which I have shown to Monaltrie, as well as your signed state of division on the value of the woods, and he is quite well satisfied with the propriety of your conduct. Mr. McDonald (Rineton) has likewise received his Extract, and I daresay approves of it, although I have not had time as yet to enter on the subject with him.

" Pray, present my hearty good wishes to your Lady and family.

I sincerely am,

Yours etc.

J. F.

" When you have an opportunity I shall be glad to hear how you all do, and what is passing in the Country."

The letter of thanks referred to is as follows :—

“ Leith, 5th Decr. 1782.

“ Dear Sir,

I was favoured with your letter of the 11th Novr., acquainting me of your having signed your Decreet Arbitral on the late Submission to you, and last night I received, by your orders, an Extract of the same from the Register at Aberdeen forwarded by Mr. Morice.

“ Although I am quite sensible of the rectitude of your intentions, forgive me to say that the value put on the dismembering of my Forest of Caich¹ is small, and the being burdened with the hail expenses by past and to come relating to this transaction must prove considerable, yet the satisfaction I feel from so nigh a view of finishing every manner of dispute with my neighbours by your friendly interposition claims my warm acknowledgements, therefore, please, accept of my sincere thanks for the clear and distinct Decision you have given.

I always am,

Dear Sir,

Your affectionate and

Most humble Servant

J. F.”

¹ Mr. Gordon's award, as between what was surrendered and acquired of this Forest by the Earl of Fife and Mr. Farquharson respectively, was that Invercauld should pay his Lordship £50 sterling as the amount of the balance in his favour. They each thought too small a value had been put upon what had been taken from him ; so that it is likely Abergeldie's valuation was very near the truth.

THUS ENDED ALL DISPUTES ABOUT SERVITUDES ON THE WOODS
AND GRAZINGS OF MAR.

PERTHSHIRE ESTATES.

I.—LANDS HOLDING OF THE CROWN.

CRONACHERRIE, LAGNACHREAN, REANAGORMALL.

The first notice we have of these properties, which seem to be generally combined to form one estate, is thus docketed:—

“CONTRACT between Patk. Small and Wester Invercroskie, eldest son of Robert Small of Finneangand, and Paul McKenzie of Finnongeard dated 26th May, 1726; Whereby the said Patrick Sells to the said Paul *inter alia* the said lands of Cronacherry, Lagnachrean and Reanagormal.”

It was at this time that John Farquharson of Invercauld acquired the superiority of these lands from the Crown.

On the death of Paul McKenzie and the succession of his heir, Invercauld grants the latter the following:—

“PRECEPT OF CLARE CONSTAT from John Farquharson of Invercauld for infefting Alexander McKenzie as heir to his said father Paul in the said lands, dated 13th September 1739.”

An Instrument of Sasine follows thereon the next day.

At a much later period some sale, or rearrangement of property, necessitated a new Instrument of Sasine in favour of the said Alexander McKenzie, which is dated 10th October, 1770.

1 It was not the original intention of the Editor to include in the present volume any account of the Perthshire properties. This was mainly owing to his being less intimately acquainted with their extent, and with the character and value of their industries and productions than he was with those belonging to the family in the north. As, however, the work progressed it became evident to him that to omit all notice of the former would be to convey a very inadequate estimate of the position occupied by the family as landowners in the country, and an erroneous impression of their history and connections with other houses. Although therefore not in a position to furnish, from personal knowledge, so many or so full notes, topographical or historical, as in the case of the Aberdeenshire estates, he yet hopes that the following will to some extent supply the defect that must have been felt by their entire omission. They are not arranged in strictly alphabetical order, but in four classes according to the nature of the Superiority held over them.

Following the Precept of 1739 we have :—

"EXT. CONTRACT OF MARRIAGE between Colin McKenzie, son of the said Alexander, and Jean Small¹; whereby the said lands are settled upon the heirs of the marriage; dated 3rd January 1755."

Appended to this document there is N.B.

"John Farquharson acquired the superiority of these lands from the Duke of Atholl, 1732, which does not appear. The property was acquired by James Farquharson of Invercauld from James Rutherford W.S. who purchased it at a Judicial Sale of Robert McIntosh of Ashintully's property."

From other documents it appears that Mr. Farquharson had acquired the superiority many years prior to this date. Indeed it seems to have been conveyed to him about the time (1721), if not in consequence of his marriage with Margaret Murray, cousin of the first Duke of Athole.

These lands, about 1780, passed in property as well as superiority into the hands of James Farquharson of Invercauld.

A great part of these Superiorities is still retained by the Invercauld family.

Then we have :—

"PROCURATORY OF RESIGNATION *ad rementiam* granted by the said James Farquharson of Invercauld (preparatory to a Deed of Entail) in favor of himself and the heirs therein mentioned of the said lands, dated 18th January, 1783."

This is followed by

"INSTRUMENT OF RESIGNATION thereon, dated 23rd and Registered at Perth 26th March, 1785."

"INSTRUMENT OF SASINE therein is dated 8th February and Registered at Perth 7th March 1785."

The lands are thus described in the Deed of Entail, 1788 :—

"All and Whole the Towns and Lands of Cronacherrie, Lagna-chrean and Rindgormell with Houses, Biggings, Yards, Tofts, Crofts, grazings, Shealings, Mosses, Muirs, Meadows, commonties, common

¹ This family of Smalls held several properties in the parish of Kirkmichael, Perthshire, the principal of which was Dirnanean in Glen Shee.

pasturage, and other pertinents thereto belonging, lying in Glenbeg of Glenshee, and in the Parish of Kirkmichael and Sheriffdom of Perth, being parts and pertinents of the said Glen of Glenbeg with the Tiends, great and small of the said Lands."

Glenbeg, *the small glen*, was obviously so named to distinguish it from the larger valley, Glenshee, formed by its junction with Glenhaintneich at the Spital. Both these upper glens border with Invercauld's Aberdeenshire properties in the Baddoch and Glencluny. Glenbeg forms the south approach to the Cairnwell Pass, whence the road descends through Glencluny to Braemar.

LUNDEATH.

The writs regarding this property, as recorded in the Inventory of the Invercauld estates of date 1788, are the following :—

"CHARTER from Walter Cargill to the Monks of Cupar, dated 22nd Oct. 1502, of the lands of Lundearth."

"CHARTER from Alexander Crichton, Prebendary of Lundearth, to William Halliburton of the lands of Lundearth, dated 20th April 1566."

"SASINE thereof (is) of same date."

"CHARTER OF CONFIRMATION under the Great Seal of a charter from Alexander Crichton in his favour, dated the 20th day of April 1566."

"CONTRACT between David Irvine and James Lindsay of Dowhill relative to the lands of Lundearth, dated 26th March 1604."

"CONTRACT OF SALE between the said William Halliburton and William Rattray, Vicar of Blair, of the said lands of Lundearth; Dated 26th February 1623."

"PRECEPT OF CLARE CONSTAT from James Drummond, rector of Lundearth, in favour of William Halliburton as heir to his father, Lawrence, in the said lands of Lundearth, dated 23rd November 1623."

"INSTRUMENT OF SASINE therein in favour of the said William Halliburton, dated 25th November 1623."

"PRECEPT OF CLARE CONSTAT in favour of the said William Halliburton as heir to his father, Lawrence, or at least to some other of his predecessors in the said Lands of Lundearth and Teinds, dated 14th January 1625."

"CHARTER of James Drummond, prebendary of Lindeath, confirming the said Charter in his favour from William Hilliburton, dated 14th January 1625."

"INSTRUMENT OF SASINE thereon in favour of the said William Hilliburton ; dated 24th November 1625."

"INSTRUMENT OF SASINE therein, dated 25th November 1625."

"CONTRACT OF SALE between the said William Rattray and John Lindsay of Kinlock of the said lands of Lundeath, dated the 25th Nov. 1625."

"CHARTER IN IMPLEMENT thereof from the said William Rattray in favour of the said John Lindsay and his spouse, dated 25th November 1625." •

"INSTRUMENT OF SASINE therein in favour of the said John Lindsay and his spouse, dated 2nd December 1625."

"CHARTER from the said John Lindsay in favour of David Lindsay, his son, dated 2nd December 1625."

INSTRUMENT OF SASINE followed in favour of David Lindsay, dated 2nd December, 1625.

"CHARTER OF CONFIRMATION from James Drummond, Prebendary of Lundeath, of the Charter from William Rattray to John Lindsay and from John Lindsay to David Lindsay. Dated 28th of July 1656."

"N.B. Lundeath was adjudged from the heirs of John Lindsay to John Ayton, and are included in a Decreet of Adjudication to John Ayton of date 17th July 1657."

Lundeath is thus described in the Deed of Entail above referred to:—

"All and hail the Kirklands of Lundeath, commonly called the Glebe and Kirklands of Lundeath, with the Teinds, parsonage and vicarage thereof which were never in use to be separate from the stock houses, Biggings, yards, crofts, privileges, commodities and pertinents whatsoever belonging thereto lying within the Parish of Kinloch, Barony and Lordship of Dunkeld and county of Perth."

The lands of Lundeath were thus united to the estate of Marlee, and continued so till 1757, when both were acquired by James Farquharson Esq. of Invercauld. *See Marlee or Kinloch.*

MARLEE OR KINLOCH.

The district so named is situated in a beautiful valley about midway between Blairgowrie and Dunkeld. The scenery is diversified by mountain, moor, wood and water. Anciently, Kinloch was a separate parish; but in 1805 it was united to Lethendy. Marlee was the name of the estate, which contains some of the richest lands and best stocked streams and lakes in the north-east of Perthshire. During the time it remained in the hands of the Farquharson family, and even long before that period, it was a place of some importance, containing a manor house, and a hamlet with its inn and shops where most of the business of the district was transacted. The Laird of Invercauld frequently lived there; and most of his correspondence, even when resident in Braemar, passed through Marlee—not through Aberdeen, which was then counted a round-about way of reaching the centres of business and seldom resorted to.

The derivation of Marlee is somewhat doubtful; but that of Kinloch is quite apparent, being *Ceann-loch*, i.e. the end of the loch, which is quite descriptive of the situation.

In the Deed of Entail, 1788, the property is thus described:—

“All and hail the Town and Lands of Kinloch, now called Marlee, comprehending the Lands and others underwritten, vizt. The Lands of Kinloch Easter, with the mill and mill Lands thereof, multure and sequels of the same use and wont; and particularly but (without) prejudice of the foresaid generality, the Thirlage and Astricted multures of the Lands of Easter Eskendie and nether Belceurn used and wont, and sicklike comprehending the Lands called Burnside, Woodside and Lochside, which are proper parts and pertinents of the said Lands of Kinloch, as also the three Lochs and fishings of the samen Lands of Kinloch, and likewise all and hail the half Lands of Kinloch Wester, with all and sundry outsetts, annexis, connexis, dependences, houses, Biggings, yards, parts, pendicles, Tenants, Tenandries, service of free Tenants and hail pertinents of the same lying sometime in the Barony of Dowhill thereafter by annexation in the Barony of Willamstone Parish of Kinloch and sheriffdom of Perth.”

As this was one of the most important acquisitions of property made by the Invercauld family in Perthshire, the documents regarding it are numerous, and reach to an earlier period than in the case of most of the others. The following have been inventoried:—

"INSTRUMENT OF SASINE in favour of Robert Cargill of the Lands of Stobhall, dated 28th August 1484."

"INSTRUMENT OF SASINE in favor of Walter Cargill, dated 23rd August 1498."

"BOND from JOHN, Lord Drummond, To the said Walter Cargill anent an Excambion of his Lordship's Lands of Kinloch for the said Walter's Lands of Lassington &c., dated 28th February 1499."

"CHARTER from John, Lord Drummond, to the said Walter Cargill of the Lands of Easter and Wester Kinloch, and an annual rent of 5 Bolls Bear and 5 Stones cheese from the lands of Londiff, dated 28th February 1499."

"INSTRUMENT OF SASINE in favours of the said Walter Cargill in the said Lands and others, dated 24th March 1499."

"SPECIAL SERVICE of John Cargill, as heir to his father, the said Walter, dated 27 October 1513."

"INSTRUMENT OF SASINE in favours of John Cargill, son and heir of the said Walter, proceeding upon a precept from Lord (? Drummond), dated 17th Nov. 1513."

"CHARTER OF SALE from the said John Cargill to Adam Lindsay of Dowhill, in Liferent, and Lawrence Lindsay, his son, in fee, of the Lands of Wester Kinloch, dated 3rd June 1535, with the Lands of Assindye in Warrandice."

"OBLIGATION by the said John Cargill to infest the said Adam Lindsay in the said Lands and others, dated 5th June 1535."

"CHARTER OF CONFIRMATION from the said John Cargill to the said Adam Lindsay of the charter, dated 9th June 1535."

"PRECEPT OF SASINE for infesting the said Adam Lindsay in the said Lands in consequence off the said Deeds, dated 9 June 1635, with Instrument of Sasine thereto annexed, dated 15th June 1535."

"SIGNATURE under the sign manual of James the 5th for making out a CHARTER OF CONFIRMATION in favour of the said Adam Lindsay of the Lands of Easter Essendye, dated 23rd August 1536."

"PRECEPT proceeding upon a Charter of Confirmation under the Great Seal for infesting the said Adam Lindsay in the said Lands and others, dated 8th June 1537."

"DECREET of the Lords of Council and Session at the instance of the said John Cargill against dated 31st July 1557."

"EXT. SUBMISSION AND DECREET ARBITRAL between James Lindsay of Dowhill and Andrew Blair of Ard-Blair anent the marches of the said two properties, dated 16th July 1565."

"DECREET OF POINDING the ground at the instance of James Lindsay of Dowhill against the Kirk Lands of Lundeath, dated 11th November 1587."

"CONTRACT OF SALE between James Lindsay of Dowhill and John Lindsay, his brother, of the Barony of Kinloch, comprehending Easter and Wester Kinloch, Lands of Woodside, Easter Essendye, and the said annual rent out of Landeith, dated 9th August 1604."

"CHARTER in implement thereof, dated 9th August 1604, to hold of himself."

"PRECEPT furth of Chancery for infesting the said John Lindsay in the said Lands and others, dated 29 Septemr. 1608."

"INSTRUMENT OF SASINE thereon, dated 9th January 1609."

"BOND by the said John Lindsay in favour of his wife and son, dated 15th July 1612."

"BOND by the said John Lindsay in favour of Jean Ramsay, his wife, and William, their son, dated 6th December 1619."

"CHARTER in implement thereof of the Barony of Kinloch comprehending Easter Kinloch and Woodside, Easter Assendie and the annual rent from Landeff, dated 16th December 1619."

"INSTRUMENT OF SASINE in favour of the said John Lindsay in Easter and Wester Kinloch, Assindie, and annual rent out of Lundeith, proceeding on a precept from Chancery on a Charter of Confirmation, dated 29th September 1608, and the said Sasine is dated the 15th April 1622."

"TACK from Thomas Cruickshank, Parson of Lundeith, to Jas. Lindsay of Dowhill and his son, James, of the Teinds of Easter and Wester Kinloch and Woodside, dated 24th July 1581."

"CHARTER OF CONFIRMATION under the Great Seal of the said Tack and also of a Tack from Mr. Edmund Miller, parson of to John Lindsay of Kinloch of the Teinds of Dowhill and others, dated 2nd January 1617."

"CHARTER OF CONFIRMATION, dated 20th January 1623."

"INSTRUMENT OF SASINE in favor of Jean Ramsey and William Lindsay proceeding on Charter (granted in 1619), dated 5th January 1620."

SASINE also followed thereon, dated 22d August 1628.

"BOND by the said William Lindsay of Kinloch to John Lindsay of Dowhill for the sum of £24,000 Scots, dated 7th September 1652."

"ASSIGNATION of the said Bond by the said John Lindsay to George Ayton of Inch Darnick dated 15th April 1656."

"LETTERS OF CHARGE at the said John Ayton's instance against Jean Lindsay, brother's daughter and apparint heir to the said William Lindsay, dated 23rd April 1656."

"DECREET OF CONSTITUTION at the instance of the said John Ayton, against the said Jean Lindsay, dated 24th June 1657."

"DECREET OF ADJUDICATION at the instance of the said John Ayton of the Barony of Kinloch, dated 17th July 1657, comprehending the said lands and also the church lands of Lundeath."

"PRECEPT from Chancery thereon for infesting the said John Ayton, dated 2 October 1657."

"SASINE thereon, dated 28th October 1657."

"CHARTER from John Lindsay of Dowhill in favor of the said John Ayton for infesting him in the Lands of Easter Kinloch, Woodside, Easter Asshindie, and annual rent furth of Landeith, dated 8 October 1657."

"SASINE THEREON, dated 28th Oct. 1657."

"DISPOSITION from the said John Ayton to the said John Lindsay of the Lands of Easter Kinloch, Woodside, Easter Assindie, and annual rent furth of Lundeith themselves, dated 25th Nov. 1657."

"INSTRUMENT OF RESIGNATION *ad remanentiam*, in the hands of the said John Lindsay, of all the said lands and others, excepting the Kirk Lands of Lundeith, dated 4th November 1664."

"CHARTER OF RESIGNATION and Novodamus from James Lindsay, Minister of Landeith, of the said Kirklands of Landeith, in favour of the said John Lindsay of Dowhill, dated 4th Novemr. 1664."

"INSTRUMENT OF SASINE thereon, dated 4th October 1665."

"RENUNCIATION and ASSIGNATION by John Blair of Ard Blair of a right of fishing in the three Lochs of Kinloch, dated 4, February 1664."

"INSTRUMENT OF RESIGNATION in the hands of his Majesty thereupon, for new Infestment to be given to John Lindsay of Dowhill."

"CHARTER OF APPARAISING under the Great Seal of Easter and Wester Kinloch, and the annual rent out of Lundeath, In favour of the said John Lindsay, dated 30th September 1676."

"DISPOSITION by James Lindsay of the lands of Kinloch, Kinloch Wester, Easter Easchendie, Lundeath, In favour of James Oliphant of Williamshire, 6th March 1696.

"N.B. This James Lindsay had not been Infest."

"INSTRUMENT OF RESIGNATION in the hands of his Majesty of the said lands (excepting Lundeath) In favor of the said James Oliphant, dated 14th August 1696."

"EXT. DISPOSITION by the said James Oliphant in favour of John Gall and spouse, of the said lands and others, dated 27th February 1700, and Registered at Perth, 27th June 1702."

"LETTERS OF SPECIAL CHARGE at the instance of the said James Oliphant agt. the said James Lindsay as Heir to his father, John, dated and Signeted 18th Jany. 1703."

"DISPOSITION and ASSIGNATION by the said James Oliphant to the said John Gall and spouse, of the said adjudication and grounds thereof, dated 28th February 1712."

"HERITABLE BOND OF WARRENDICE by James Lindsay of Dowhill to the said John Gall over the Lands of Dowhill in further security to him of the said Lands of Kinloch and Lundeith; dated 7th March 1712."

"DECREET OF TRANSUMPT at the instance of the said John Gall against the said James Oliphant before the sheriff of Perth, dated 15th November 1704, of the following deeds vizt. :—

"1st CHARTER under the Great Seal in favour of the said James Oliphant of the said lands of Kinloch and other lands, dated 14th August 1696"; and

"2nd Sasine thereon, dated 22nd Decr. 1696."

"DISPOSITION by the said John Gall to himself, in liferent, and his son, in fee, of the said lands of Kinloch and Lundeath, dated 20th March 1713."

"CHARTER OF RESIGNATION AND ADJUDICATION under the Great Seal, In favour of the said John Gall and his son, proceeding upon the foresaid Disposition in his favour, and upon the said Adjudication and Bond of Warrendice, dated 27th July 1713."

"INSTRUMENT OF SASINE thereon, dated 8th April 1714."

"EXT. DISPOSITION by the said John Gall of the Barony of Kinloch comprehending the lands of Lundcath to James Farquharson, dated the 13th September 1754 and Registered in Books of Session 1757."

This is James Farquharson of Invercauld, who had succeeded to his father, John, in 1750; and who afterwards made several large purchases of property in Perthshire.

"CHARTER OF RESIGNATION under the Great Seal in favour of Robert Farquharson, Writer in Edinburgh, proceeding upon the Procuratory contained in the said disposition from John Gall and Assignment thereto from the said James Farquharson, dated 23rd February 1757."

"FEU RIGHT and Disposition of the said lands and others from the said Robert Farquharson to James Farquharson of Invercauld, dated 6th April 1757."

"INSTRUMENT OF SASINE following thereon in favour of the said Robert Farquharson, dated 3rd May 1757."

"DISPOSITION of the Superiority of the said lands and others from the said James Farquharson to Finlay Farquharson of Rochallie in life-rent, and the said James Farquharson in fee, dated 4th April 1764."

"EXTRACT RETOUR of the Special Service of the said James Farquharson as heir of provision to the said Robert Farquharson, his brother, in the said lands and others dated 7th May 1764."

This Robert Farquharson was the son of John Farquharson of Invercauld and Jane Forbes, his fourth wife, and was therefore the half brother of James of Invercauld. *Burke says, "He died unm."*

"PRECEPT PROM CHANCERY thereupon for infesting the said James Farquharson therein, dated 1st June 1764."

"INSTRUMENT OF SASINE thereupon in favour of the said James Farquharson, dated at Perth 28th June 1764."

"INSTRUMENT OF RESIGNATION in favor of Finlay Farquharson of Rochallie in life-rent, and the said James Farquharson in fee, in the

hands of his Majesty, proceeding upon the Procuratory in the Disposition (of date 4th April), dated the 3rd of July 1764."

"CHARTER OF RESIGNATION under the Great Seal, of the said lands and others, dated 3 July 1764."

"INSTRUMENT OF SASINE thereupon, dated 28th July and Registered in General Register of Sasines at Edinburgh, 1st August 1764."

"INSTRUMENT OF SASINE in favor of the said James Farquharson in the said lands, dated 3rd and Recorded at Perth 29th September 1787, proceeding upon the Precept in the Feu Disposition from Robert Farquharson (of date 6th April 1757)."

"PROCURATORY OF RESIGNATION *ad-Remanentiam* for consolidating the property of the said lands with the superiority in his person, dated 5th September 1787."

"INSTRUMENT OF RESIGNATION *ad-Remanentiam* thereupon, dated 5th and Recorded at Perth 29th September 1789."

The following papers relating to Kinloch were found in a separate parcel, docketed:—

"Writs omitted in Inventory on account of their not being delivered nor in the Custody of Invercauld, but which appear in an old Inventory."

"EXT. SUBMISSION betwixt Mr. John MacKenzie of Delvin, as Heritor of the Mill of Goddens, and Mr. John Gall of Kinloch, with respect to the Marches and some servitudes claimed by the one upon the other's Property, with Decreet Arbitral thereon. Regd. at Perth 4 Sept. 1721."

"DECREET OF DECLARATOR AND POINDING of the Ground at the instance of John Gall of Kinloch, as Superior of the Lands of Wester Kinloch, Against Alexander Mitchell, the Vassal. Dated 13th and 31st of Decem. 1729, and 19th Feb. and 23d June 1730."

"EXT. SUBMISSION betwixt James Blair of Ardblair and said John Gall, with respect to the Property of the Rae Loch, with Decreet Arbitral thereon, both Regd. in the Sheriff Court Books of Perth, 26th May 1732."

"DECREET OF DECLARATOR OF NON ENTRY before the Lords of Session at the instance of the said John Gall against Thomas Mitchell, Portioner of Wester Kinloch. Dated 12 January 1743."

ROCHQUHALLIE (ROCHOILLIE).

In a considerable parcel of old documents there are several relating to this property. The parcel is thus docketed :—

“OLD WRITS from the Abbot of Scoone and the Family of Gray, relating to the said Lands, almost illegible.”

Following on these we have :—

“CHARTER under the Great Seal in favour of Stephen Curror of the said Lands of Rochquhalie, dated 10th March 1602.”

“PRECEPT under the Great Seal thereupon, for infesting the said Stephen Curror, dated 10th March 1602.”

“SASINE followed thereof in favor of the said Stephen Curror, dated April 19th 1603.”

“CONTRACT in terms of the under mentioned Charter.”

“INSTRUMENT OF SASINE in the said Lands in favour of Alexander Lowell, proceeding on a Contract betwixt him and the said Stephen Curror.”

“CHARTER from the said David and Stephen Currors, with consent of the said Alexander Lowell, to Jas. Hering of Morgintown of the said Lands and others, dated 27th and 28th March 1614, to be holden *de me* of same date.”

“CHARTER OF CONFIRMATION by David, Lord Scoone, in favor of the said James Hering, dated 1st February 1617.”

“CHARTER from the said James Hering of Morgintown in favor of Alex. (Andrew) Hering, his son, and the other heirs therein mentioned, of the said Lands. Dated 26th June 1629.”

“CHARTER under the Great Seal in favour of the said Andrew Hering of the said Lands and others, dated 10th July 1643.”

“PRECEPT furth of the Chancery for Infesting the said Andrew Hering therein, dated the said 10th July 1643.”

“DISPOSITION from Janet Chalmers of her liferent over the said Lands in favour of David Hering, her son. Dated 21st October 1647.”

“EXT. RETOUR of the special service of David Hering, as heir of Taillie, and Provision to the said Andrew his Brother, dated July 4th 1662, in the said Lands and others.”

"PRECEPT FROM CHANCERY thereon for infesting the said David Hering thereon, dated 1st August 1662."

"PRECEPT from the sheriff of Fife thereupon, dated 2nd September 1662."

"INSTRUMENT OF SASINE in favor of the said David Hering, dated 4th Seper. 1662."

"CONTRACT OF SALE of the said Lands between the said David Hering and George Farquharson of Easter Downie, dated 4th June 1663."

"CHARTER *a me* from the said David Hering to the said George Farquharson, dated 4th June 1663."

"INSTRUMENT OF SASINE therein in favor of the said George Farquharson, dated 14th July 1663."

"CONTRACT OF MARRIAGE between Paul Farquharson, younger of Rochquhalzie, with consent of the said George, his father, and Alison Durham, whereby the said George became bound to Infest his son and the heirs male of the said marriage, whom failing, Paul's other heirs male, in the said Lands and others, dated 23rd June 1669."

"INSTRUMENT OF SASINE proceeding on the precept contained in said Contract in favour of the said Paul, dated 24th June 1669."

"CONTRACT OF MARRIAGE between Patk. Farquharson, son and heir, of the said Paul, with consent of his said father, and Ann Farquharson, daughter of Cults, dated 6th June 1710, whereby the said Lands are provided to the said Patrick and the heirs male of the Marriage."

"EXT. RETOUR of the General Service of Finlay Farquharson, son of the said Patrick as heir of the said Marriage, dated 11th July 1760."

"EXT. DISPOSITION and Assignment by the said Finlay Farquharson to James Farquharson of Invercauld. Dated 13th May 1760 and Registered in Books of Session 12th February 1777 of the said Lands and others."

"INSTRUMENT OF RESIGNATION in the hands of the Barons of Exchequer of the said Lands of Rochallie, proceeding upon the Procuratory contained in the said Contract of Marriage for new Infestments in favor of the said Finlay Farquharson. Dated 6th August 1760."

¹ The reason for this Disposition and Assignment is explained in the *Family Papers*, which see,

"CHARTER OF CONFIRMATION and Resignation under the Great Seal proceeding thereupon. Dated 6th August 1760."

"INSTRUMENT OF SASINE therein in favors of the said Finlay Farquharson, dated 30th August and Registered at Perth 8th Sept. 1760."

"EXT. SUBMISSION AND DECREET Arbitral between Grahame of Balgown for ascertaining their right in the commonties of the Baronies of Mause and Rochallie, the Submission dated the 3rd August 1776, the Decreet Arbitral dated 14th August and both recorded at Perth 19th August 1776."

"RATIFICATION of his Marriage Contract by the said Finlay Farquharson and of the destination therein in favor of James Farquharson of Invercauld, dated 6th November 1776."

"DISPOSITION by the said James Farquharson of Invercauld in favour of himself and the other heirs therein mentioned of the Lands of Rochallie and Wester Miltown. Dated 7th January 1777."

"EXT. RETOUR of the Service of the said James Farquharson of Invercauld, as heir in General of Provision of the said Finlay Farquharson in Terms of the said Disposition and Assignment, dated 13th May 1760, and in terms of the said Finlay Farquharson's Contract of Marriage, dated 31st August 1765, and also in terms of the said Ratification thereof and of the Procuratory of Resignation, dated 29th Jany. 1777."

"INSTRUMENT OF RESIGNATION therein in the hands of His Majesty, dated 24th February 1777 of the Lands of Rochallie."

"CHARTER OF CONFIRMATION and Resignation under the Great Seal in favor of the said James Farquharson, dated 4th March 1777."

"INSTRUMENT OF SASINE thereupon in favor of the said James Farquharson of the said lands of Rochallie, dated 16th and Registered at Perth 21 June 1777."

In the Deed of Entail, 1788, the property is thus entered:—

"All and hail the Lands of Rochquhallioch with the houses, Biggings, yards, Crofts, Woods, fishings, mosses, muirs, marshes, commonties, parts, pendicles, outsetts, cottages and pertinents whatsoever belonging thereto, lying within the Lordship of Scoon and Sheriffdom of Perth, with the Teinds, great and small parsonage and viccarage of the same, and bounded and described in manner mentioned in the original rights and Infestments thereof,"

The Family of Rochoillie were cadets of the old Family of Brouhderg. Originally their Family possession was Shanelly and Downie. The George, first mentioned above, was the third son of Lauchlan, fourth son of Finla Mor. He married 1st Janet, daughter of M'Intosh of Dal-mounzie, and 2nd Grizel Campbell, daughter of Baron Reid. He was succeeded by his son, Paul, who married a daughter of Durham of Omachy. His son, Peter or Patrick, married Anne, daughter of Farquharson of Culsh (Culsh), killed at Preston (1715).

By his marriage with Anne of Culsh he succeeded to that property, and was much esteemed during the short time he held it as a Deeside laird. *See Culsh and Tombelly.*

The Farquharsons of Rochoillie were always staunch Jacobites, and their share in the '45 seems to have been the reason for the arrangements which took place the year 1760.

SPITTALS.

The lands designated Spittals (Upper and Nether) are situated in the Upper end of Glenshee and consist mainly of grazing farms which adjoin the similar farms of Baddoch and Glenclun on the Invercauld Deeside Property.

The Writs regarding it are the following:—

"PRECEPT OF CLARE CONSTAT from John Wemyss of Wemyss in favor of John Reid or Fleming for Infesting him in Easter Delvin, dated January 1606."

"INSTRUMENT OF SASINE in favor of Alexander Fleming in the said lands of Delvin, being part of the Barony of Ashintully, dated 9th March 1629."

"INSTRUMENT OF RESIGNATION *ad-remanentiam* in the hands of David Spalding of Ashintully, proceeding on a Procuratory granted by the said Alexander Fleming, dated 9th March 1629."

"EXT. SPECIAL SERVICE of David Spalding as heir to his father Andrew, in the lands and Barony of Ashintully, dated 20th August 1707."

"INSTRUMENT OF SASINE in favor of John McKenzie of Delvin of that part of Glenbeg called Rindorach, proceeding upon a Contract of Wadset between him and the said David Spalding, dated 16th May 1715."

"RENUNCIATION AND DISCHARGE of the said Wadset by the said John McKenzie, dated May 15th 1722."

"CONTRACT OF WADSET between the said David Spalding and Andrew Stuart in Glenshee, by which David Spalding, wadsets to the said Andrew Stewart the Town and Lands of Craigdarg for 3080 merks Scots, dated 13th November, 1719."

"DISCHARGE AND RENUNCIATION of a Wadset of Upper and Neither Spittals by the said John McKenzie, dated 1st June, 1722."

"DISPOSITION and Assignment of the said Wadset by the said Andrew Stewart to John Farquharson of Invercauld of the said Wadset, dated 6th July, 1722."

"CONTRACT OF WADSET between the said David Spalding and the said John Farquharson whereby the said David Spalding, Wadsets for the sum of £7633. 6. 8d. Scots the said lands of Glenbeg, Ridarach, Spittals, and astricted multures thereof, dated 2nd June 1722."

"CHARTER OF RESIGNATION under the great seal thereupon in favor of the said John Farquharson, dated 26th July 1722."

"INSTRUMENT OF SASINE following thereupon in favor of the said John Farquharson, dated 5th and 6th March, 1722."

"EXT. DISPOSITION from the said David Spalding to the Duke of Athole of the lands of Sett Spittals with the Mills and Multures thereof &c., dated 3rd July 1727 and Registered in the Books of Session 28th November 1733."

"EXT. TRANSLATION and DISPOSITION from the said Duke of Athole to the said John Farquharson of the said lands and others, dated 26th April 1732, and Regd. in the Books of Session 1st February 1733."

"DECLARATION regarding the division of the Tax ward duties of the said lands by the Duke to the said John Farquharson, dated 7th September 1733."

"DISPOSITION and Assignment from Andrew Spalding of Glenkilray to the said Duke of the Multures and Sequels payable for the lands of Baochdarg at the Mill of Enoch, dated 19th December 1733."

"DISPOSITION and ASSIGNATION thereof by the said Duke to the said John Farquharson, dated 24th December 1733."

"BOND OF THIRLAGE by Andrew Spaldin of Glenkilray to the said John Farquharson, astringing the lands of Corridow and Dalhingain to the Mill of Spittal, dated 6th Septembr. 1733."

"APPROBATION thereof by Alexr., Robert, and David Keas, dated 23rd May and 1st Augt. 1739."

"INSTRUMENT OF SASINE in favor of the said John Farquharson in the Superiority, Dalmunzie, Leonachbeg, Coul, Glentatnick, Couthills &c. proceeding on a Disposition from the Duke of Athole, dated 26th Novemr. 1732."

In the Deed of Entail these lands are thus entered:—

"All and whole the Town and Lands of Upper and Nether Spittalls with the Mill thereof mill Lands, multures, and sequels of the same, as well the multures and sequels of the same lands of Bruchdarg, Dalhingean and Corieton as the other multures and sequels thereof conform to use and want, and with the crofts called the Chappel Crofts in the Glen commonly called Glenbeg which comprehend the Town and Lands of Rydareich, Craigderg and Legamar with the shealings of Reichorsh and grass Glens of Glenbeg, Town and Lands of Cammis, the Town and Lands of Tommaherra, the Lands of Dalhangean with the houses, Biggings, yards, Orchyards, Glens, Grazings, shealings, mosses, muirs, meadows, commonities, common pastarage, and woods upon the said Lands, salmon fishing, and other fishings thereto belonging, together with the right and privilege of free forestrie within and so far as concerns the bounds of the particular lands above mentioned lying within the Barony of Ashintully."

SOLERIES.

"EXT. DISPOSITION from William Farquharson of Bruxy to James Farquharson of Invercauld of the lands of Soleries, Tompkin, and others and Glentatnick, with the Patronage of Kirkmichael and Teinds and Balmaomchie which had formerly belonged to Robert McIntosh of Ashintully and had been purchased at a judicial Sale of his Lands by James Rutherford W.S. from whom William Farquharson derived right and which contains an Assignation to the unexecuted Procuratory of a Crown Charter in favor of the said James Rutherford, dated and Registred in Books of Session, 6th March 1783."

"INSTRUMENT OF SASINE following thereon in favor of the said James Farquharson, dated and Recorded at Perth 17th March 1783."

As entered in the Deed of Entail the property is thus described :—

"All and Whole the Towns and land of Soleries, Tomkin and others as possessed by John, Duke of Athole feuar of the same and his Tenants the Lands of Over and Neither Tomnamoan and Cults as possessed by John Keay and Andrew Rattery Feuars thereof and their Tenants and also the Glen called Glentatnick with the whole privileges and pertinents of the same possessed by Invercauld and his Tenants. Together also with the advocation, Donation and right of Patronage of the Parish church of Kirkmichael with the Teinds parsonage and viccarage of the same and whole parts, pendicles, pertinents of the said Lands which were all parts and portions of the Barony of Ashintully and Further."

The above papers record the manner in which the Invercauld Family came into possession of this property.

The earlier documents regarding it are contained in the Writs of the Barony of Ashintilly, and the following.

II.—LANDS HOLDING OF THE DUKE OF ATHOLE :

BINZEAN MOR.

There is an Instrument of Sasine on these lands with a duplicate thereof as early as November, 1583, but no other writ till the following :—

“CHARTER OF CONFIRMATION by the said Duke of Athole in favor of James Shaw of said Lands, dated 26th July 1768.”

“EXT. DISPOSITION from said James Shaw to John Robertson of Cray of said Lands, Dated 2nd December 1769 and Registered at Perth 7th December 1769.”

“EXT. DISPOSITION from said John Robertson to Robert McIntosh, advocate. Dated 4th and Registered at Perth 8th December 1769.”

“DISPOSITION and ASSIGNATION from James Rutherford W.S. who had acquired right to the said Lands as purchaser at a judicial Sale of the said Robert McIntosh's Lands, to James Farquharson, dated 8th Augt. and Regt. in the Books of Session 21st Novemr. 1783.”

“CHARTER OF SALE of the Superiority of the said Lands of Binzeanmore from William Farquharson of Bruxy, the liferent superior, with consent of the Duke of Athole the fiar thereof, to the said James Farquharson proceeding upon the narrative of the said Disposition from James Rutherford, dated 11th February, 1785.”

“INSTRUMENT OF SASINE thereon, dated 28th February and Regd. at Perth 7th March 1785.”

The Deed of Entail (1788) thus describes these lands :—

“All and haill the equal half of all and sundry the Lands of Meikle Binzean otherwise called Binzeanmore extending to a two merk land of old extent, with Tofts, Crofts, houses, Biggings, yards, annexis, connexis, and pertinents as sometime possessed by Walter and Henry McKendricks, and being the two merk shedow land thereof.¹ Excepting therefrom that part of the said lands called Balnald lying next the sun ; and sicklike

¹ “Shedow land” is the expressive description of a northern exposure, while “next the sun” is similarly descriptive of a southern exposure.”

that quarter or fourth part of the said Lands of Meiklebinzean with Tofts, crofts, houses, Biggings, and yards sometime possessed by David Webster excepting that part thereof called Balnald, all lying within the Barony of Middle Dourney and shire of Perth, and all and hail that merk land of the said Binzeanmore possessed by Donald Robertson of Stronymuick and his subtenants with houses, Biggings, yards, crofts, woods, grazings, shealings, parts, pendicles and pertinents whatsoever lying within the parish of Kirkmichael and shire of Perth."

CORRIEVOICH.

There are no old Writs regarding this small property, and the following are the only extant papers:—

"DISPOSITION from Alexander Robertson of Straloch to James Farquharson, of the Glen and Grazings of Coryvoich, dated 26th August 1771."

"INST. OF SASINE thereupon in favor of James Farquharson, dated 25th December 1772 and Regd. at Perth, 5th February 1773."

The Deed of Entail gives the following description:—

"All and whole the Glen, Grazings, and shealings of Coryvoich with the pertinents lying in the Parish of Kirkmichael, head of Glenbeg, and sheriffdom of Perth. All and hail that shealing, or grass room, in Glenbeg, called Rienakeackra, with the pertinents formerly annexed and pertaining to the Lands of Dabulzlan, which belonged to Thomas Raterly of Dabulzlan, lying within the Barony of Dunkeld and sheriffdom of Perth."

REINAKECHRA.

This small property was acquired at the same time as Corrievoich, and was held under the same tenure.

"DISPOSITION from Thomas Rattray of Dalrulzean to the said James Farquharson of the Land of Reinakechra, dated 9th March 1771."

"INSTRUMENT OF SASINE thereon, dated 25th December 1772, and Regd. at Perth 5th Feb. 1773."

There is no separate entry in the Deed of Entail 1788. It is there included under the designation of the Spittals.

III.—LANDS HOLDING OF NAUGHTON:

ISLE OF DRUMMY.

Like the two last mentioned properties, the Isle of Drummy passed into the hands of the Invercauld family as follows:—

“FEU DISPOSITION from James Morrison of Naughton to James Farquharson of Invercauld of the Land called Isle of Drummy and Teinds. Dated 19th June 1781.”

“INST. OF SASINE thereon, dated 30th June and Registred at Perth 3d July 1781.”

The entry in the Deed of Entail is as follows:—

“All and hail that piece or parcel of Land called the Isle of Drummy consisting of nine acres or thereby being part and pertinent of the mains of West Drummy belonging to James Morrison, lying on the west side of the Water of Eright, bounded by the said Lands of Rochallie and mill Town of Mause on the north west and south, and by the said water of Eright on the north and east, with the whole parts, pendicles, privileges and pertinents thereof, and Teinds great and small of the same lying within the Parish of Renochy and shire of Perth.”

IV.—LANDS HOLDING NOW (1803) OR FORMERLY OF GENERAL GRAHAM OF BALGOWAN.

CAIRNBUTTS.

"DISPOSITION from Chas. Husband of Upper Balcairn to James Farquharson of Invercauld of those parts of the Lands of Balcairn called Cairn Butts, dated 14th Octr. 1762."

"INST. OF SASINE thereon in favor of the said James Farquharson, dated 14th Octr. and regd. at Perth 27th Nov. 1762."

This was a property adjoining Invercauld's estate of Kinloch, and is thus entered in the Deed of Entail 1788:—

"All and haill these parts of the Lands of Upper or Over Balcairn called Cairnbutts and twelve riggs of Land lying immediately north and adjacent to Invercauld's Quarry upon the Lands of Kinloch, bounded and marched in manner mentioned in his Title Deeds of the same lying within the Parish of Linduff or Kinloch and sheriffdom of Perth, with the privilege of casting, winning, and away taking peats and Tufts in and out of the moss and muirs of Cochrage in the same manner as the Tenants and possessors of the Lands of Overbalcairn were, and presently are in the use of doing."

CAMMIS.

This, as well as the property of THOMB, were held in superiority by John Farquharson of Invercauld from about the year 1736, who had acquired it along with that of the Barony of Ashintully. There was much controversy about this Superiority, but it was finally adjudged to Invercauld.

The papers regarding it are as follows:—

"FEU CHARTER from John Wymess of Wymess in favor of Patrick McIntosh in liferent, and his son, Peter, in fee, of the Town and Lands of Cammis, dated 27th November 1599."

"INSTRUMENT OF SASINE therein, 25th Decr. 1599."

"CHARTER by the said Patrick McIntosh and his wife in favor of Patrick McIntosh, his son, and Isabella, daughter of Wm. Farquharson of Cularith, dated 21st July 1621, in implement of a Contract of Marriage between the said Patrick and Isabella to be held blench of the Granter."

"N.B. In this Charter the lands are said to have been formerly part of the Barony of Wemyss, but are now part of the Barony of Ashintully."

"CHARTER in the same terms to hold of the Granter's Superior."

"CHARTER OF CONFIRMATION from David Spaldin of Ashintully of the said Writts in favor of the said Patk. McIntosh and Spouse, dated 1st Augt. 1621."

"INST. OF SASINE in favor of the said Patrick McIntosh and Spouse, on the first of these Charters, dated 21st July and Regd. at Perth 4th Septemr. 1621."

"PRECEPT OF CLARE CONSTAT by Andrew Spaldin of Ashintully for Infefting Alexander McIntosh as heir to his said father, Patrick, in the said Town and Lands of Camis, dated 16th Octr. 1662."

"INST. OF SASINE therein in favor of the said Alexr. McIntosh, dated 26th Oct. 1662."

"N.B. Alexander McIntosh had afterwards in 1700, resigned the said Lands in the hands of Ashintully, the Superior, *ad remanentiam*, and David Spaldin, son of the said Andrew Spaldin, afterwards disposed (of them) to Patrick McIntosh, Grandson of the said Alexr. McIntosh, by the following Deed" :—

"EXT DISPOSITION and RETROCESSION by David Spaldin of Ashintully in favor of the said Patrick McIntosh, dated 4th February 1708, and Regd. in Books of Session 18th January 1728."

"INST. OF SASINE proceeding therein in favour of the said Patrick McIntosh, dated 28th December 1721."

"EXT. DISPOSITION from the said Patrick McIntosh with consent of his Mother in favor of Lauchlin Farquharson of Binzean, dated 25th May 1727 and Regd. in Books of Session 27th January 1732."

"INST. OF SASINE therein in favor of the said Lauchlin Farquharson, dated 25th May and Regd. at Perth 3rd July 1727."

1 William Farquharson of Cularith is William of Coldrach, son of Donald of Castletown or Monaltrie, who was the progenitor of numerous septs. of his clan. William married a daughter and heiress of an older family of Farquharsons of Coldrach, and thus obtained her estate. See article on Coldrach.

"PRECEPT OF CLARE CONSTAT from John Farquharson of Invercauld, therein designed superior of the said Lands, as heir to the said Alexander and Patrick Macintoshes, dated 7th Decemr. 1738."

"INSTRUMENT OF SASINE therein in favour of the said Elspet McIntosh, dated 8th Decemr. 1738, and Regd. at Perth 2nd Jany. 1739."

"CHARTER OF RESIGNATION from the said John Farquharson of the said Lands of Camis in favor of William Farquharson of Binzean as disponee of his father, Lauchlin, proceeding upon the Procuratory in the Disposition from the said Patrick McIntosh to the said Lauchlin Farquharson. Dated 7th Decemr. 1738."

"INST. OF SASINE therein in favor of the said Wm. Farquharson, dated 8th December 1738 and Regd. at Perth 2nd January 1739."

THOMB OR THOM.

This property followed almost the same fortune as that of Cammis. The Writs are the following:—

"RIGHT OF REVERSION from Robert Malcolm and spouse to David Wemyss of Wemyss for £300 of the lands of Thom, dated 31st January 1550."

"FEU CHARTER from John Wemyss of Wemyss to Robert McIntosh and his spouse, All and whole the Town and Lands of Thom, dated 27th Novemr. 1599."

"INST. OF SASINE thereon, dated 25th December 1599."

"PRECEPT OF CLARE CONSTAT from David Spaldin of Ashintully for infetting Elspet McIntosh in the said Lands of Thom as heir to the said Robert, her father, dated 8th August 1616."

"INST. OF SASINE thereon dated 5th Oct. 1616."

"FEU CHARTER from the said Elspet MacIntosh with consent of her husband to Alexander Farquharson of Alinquhois (Allanquoich), dated 8th August 1616."

"INST. OF SASINE thereon in favor of the said Alexander Farquharson, dated 5th November 1616."

"CHARTER from the said Alexander Farquharson with consent of his wife and son to Alexander Wilson in Crandoich and his spouse and son, of the said Lands of Thom, dated 3rd November 1636."

"INST. OF SASINE thereon in favor of the said Alexander Wilson and Spouse and son, dated 22, June 1637."

"CHARTER OF CONFIRMATION from David Spaldin of Ashintully of the said Charter from Farquharson of Allanquoich, dated 1st December 1637."

"CHARTER by the said Alexander Wilson, *alias* Mackenzie, in favor of Duncan, his son, dated 31st Decemr. 1651."

"PRECEPT OF CLARE CONSTAT from Andw. Spaldin of Ashintully in favor of the said Duncan Mackenzie as heir to his father in the said Lands. Dated 4th Jany. 1664."

"INST. OF SASINE thereon in favor of the said Duncan Mackenzie, dated January 1665."

"PRECEPT OF CLARE CONSTAT by Andrew Spaldin of Ashintully in favor of John Mackenzie as heir to his father, Duncan, for infesting him in the said Lands of Thom, dated 11th March 1689."

"DISPOSITION by the said John Mackenzie, *alias*, Wilson to William Farquharson of Kerro and Chas. Farquharson, his son, in fee of the said Lands of Thom, dated 16th December 1696."

"CHARTER OF RESIGNATION from Andrew Spaldin of Ashintully in favor of the said William and Chas. Farquharson, proceeding upon the Procuratory, in the said Disposition from John McKenzie, dated 9th May 1698."

"INST. OF SASINE thereon in favor of the said William and Chas. Farquharson, dated 5th Oct. 1705."

"PRECEPT OF CLARE CONSTAT from said David Spaldin of Ashintully for infesting Lauchlin Farquharson as heir male to his Brother, the said Charles Farquharson. Dated 16th Septemr. 1726."

"INST. OF SASINE thereon, dated 27th October and Regd. at Perth 2d Novemr. 1726."

"PRECEPT OF CLARE CONSTAT from John Farquharson of Invercauld, Superior of the said Land, for Infesting William Farquharson therein as heir to the said Charles and Lauchlin Farquharson, dated 7th Decemr. 1737."

"INST. OF SASINE therein in favor of the said William Farquharson, dated 8th Decemr. 1738, and Regd. at Perth 2d January 1739."

"DISPOSITION from the Duke of Athole to the said Lauchlin Farquharson of the Teinds of Binzean, Tombs, and Combs, dated 21st Augt. 1729."

"INST. OF SASINE in favor of the said Lauchlin Farquharson of the Teinds of Binzean, Thom, and Camis, proceeding on the said Disposition, dated 9th Sept. and Regd. at Perth 15th Oct. 1729."

"EXT. DISPOSITION by the said Lauchlin Farquharson to William Farquharson, his son, of the lands of Binzean, Binzeanmore, Thom, and Camis. Dated 25th February 1734, and Registered at Perth 12th February 1735."

"N.B. No Teinds conveyed."

"DISPOSITION of the said Lands of Thom and Camis with the Teinds from the said William Farquharson with consent of his Spouse, and also by the said Elspet MacIntosh to James (John) Farquharson of Invercauld, dated 5th and 7th Decemr. 1738."

"INST. OF RESIGNATION *ad remanentiam* of the said Lands and Teinds in the hands of the said John Farquharson, proceeding on the Procuratory in the said Disposition, dated 6th Decemr. 1738, and Registered at Perth 2d January 1739."

CUTHILL.

These Lands are thus described in the Deed of Entail, 1811:—

"All and whole the Four pound Lands of Cuthill, of old pertaining to John Stewart of Duntatich, with the pertinents thereof, commony of the privilege of Grazings, shealings, and feual belonging thereto on the south side of Glentatnick, as was possessed by the Tenants of the authors of James Farquharson late of Invercauld before the sale of the said Lands of Cuthill in manner used and wont. As also All and Whole the Lands of Skerraval in Glentatnick, extending to two merk Lands with parts, pendicles, glennings, shealings, and pertinents thereof whatsoever with the Teinds great and small personage and vicarage of the Lands above mentioned, with the whole parts, pendicles, and pertinents thereof, all lying in the Barony of Middle Dounie, Parish of Kirkmichael and sheriffdom of Perth, with the right and liberty to the said James Farquharson and his foresaids and to their Tenants, Cottars and Dependents on the said Lands and others above described of casting Peats for the use of their families only in the mosses of Inveriddare, they being always obliged to cast said Peats without injuring the Pasture of the said farm, and the said privilege being to be exercised in so far only as the same has been heretofore enjoyed."

In reference to this description there is this marginal note.

"NOTE. The Property of these Lands not included in the Entails are held in fee simple."

CUTHILLS AND SKERRAVAL, ETC.

The Writs are as follows:—

"EXT. INST. OF SASINE of said Lands of Cuthills, Skerraval and others with the Teinds and pertinents, In favor of John MacIntosh of Dalmunzie, Esquire, dated 28th September and recorded in the Particular Register of Sasines for the shire of Perth 7th October 1757, proceeding upon a precept of Clare Constat, granted by James Farquharson, Esq. of Invercauld, Superior of the said Lands, in favor of said John MacIntosh as nearest and lawful heir of Lauchlin McIntosh of Dalmulzie, his father, and Robt. McIntosh, his Grandfather, which precept is dated 17th May 1757."

"DECREET OF CERTIFICATION in the Ranking and Sale at the instance of Simon Frazer, Merchant in London, and John Frazer, Esqr. his factor, against said John McIntosh of Dalmunzie, merchant in London, and his Creditors, dated 10th Feby. 1778."

"N.B. It appears from the above Decreet of Certification that Mr. Fraser, the Pursuer of the Sale, had obtained a Decreet of Adjudication against the Lands of Cuthills and others, in Security and payment of certain debts due to him, which is dated 7th December 1774."

"EXT. HERITABLE BOND by the said John McIntosh of Dalmunzie to Mrs. Catherine Stableton of Bolton Street, Westminster for £3,000, over the said Lands of Cuthills and others bearing date the 8th August 1772, and recorded in the Books of Session, 23rd Novemr. 1775."

"INST. OF SASINE in favor of the said Mrs. Catherine Stableton following on the said heritable Bond, dated the 15th and recorded in the Particular Register of Sasines for the County of Perth, 17th Augt. 1772."

"EXT. DISPOSITION and ASSIGNATION by the said Mrs. Catherine Stapleton to Adam Drummond, Esquire, of Meginch, of the said heritable Bond bearing date, 24th Feby. 1773, and Recorded in the Books of Session, 15th Septemr. 1775."

"INST. OF SASINE following on the said Disposition and Assignment in favors of the said Adam Drummond, dated the 4th and Recorded in the Particular Regr. of Sasines for the Shire of Perth, 7th Sept. 1775."

"DECREET OF SALE of the Lands of Cuthills and Skeraval, and others, in favor of the said Simon Frazer, dated 21st January 1783."

"ACT approving of the Division of the price of these Lands &c., dated 24th February 1784."

"EXT. DISPOSITION by the said Simon Fraser to John Frazer, W.S. containing an assignation to the Dect. of Sale of said Lands of Cuthills, Skeraval and others. This Disposition bears date 13th March 1783, and is Recorded in the Books of Session, 18th March 1801."

"DISPOSITION AND ASSIGNATION by said John Frazer in favors of Sir William Murray of Achtertyre, Baronet, of the said Lands of Cuthills, Skerraval, and others, and decreet of Sale thereof; the said Sir William Murray having granted security for payment of the price to the Creditors of the said John MacIntosh; which disposition and Assignation is dated 8th April 1783."

"EXT. COMMISSION by the said Adam Drummond to James Beveridge, writer in Edinburgh, dated the 27th January and recorded in the Books of Session 5th February 1784."

"DISCHARGE AND CONVEYANCE by the said James Beveridge as Commissioner foresaid, of the foresaid heritable Bond. To, and in favor of, the said John Frazer, dated 10th Augt. 1784."

"EXT. CONVEYANCE by the said John Frazer to the said Sir Wm. Murray of the foresaid heritable Bond and transmissions thereof, dated the 8th day of March 1787 and Regd. in the Books of Council and Session 11th March 1801."

"NOTE. This heritable debt is kept up by Assignation in further security of the Purchasers' right to the lands; and in the after conveyances the Debt is transmitted in the same Deed with the Lands."

"DISCHARGE DISPOSITION and Assignation of the said Simon Frazer to the said Sir William Murray, dated 16th Septemr. 1784."

"EXT. DISPOSITION and ASSIGNATION by the said Sir William Murray of the said Lands of Cuthills, Skeraval and others, Decreet of Sale, and heritable Bond, and transmission thereof in favors of William Honeyman, Esquire, advocate, dated 16th May 1787 and Recorded in the Books of Session, 13th Sepr. 1796."

"EXT. DISPOSITION by the said William Honeyman with consent of the said Sir William Murray of the said Lands of Cuthill and Skerval and others, Dect. of Sale and Heritable Bond in favors of James Murray Esqr., Sheriff Clerk of the shire of Perth, dated 25th Septemr. and 10th October 1797 and Recorded in Books of Session 18th March 1801."

"**EXT. DISPOSITION** by the said James Murray of the said Lands of Cuthills, Skeraval and others and of the said Decreet of Sale and heritable Bond To and in favor of James Gibson, Esqr. W.S., dated 8th March 1799, and Recorded in the Books of Sessions, 18th March 1801."

"**CHARTER OF SALE** of the said Lands of Cuthills, Skaraval and others by James Farquharson, Esq. of Invercauld the Superior in favor of the said James Gibson, dated 14th Novemr. 1803."

"**EXT. DISPOSITION** by the said James Gibson, W.S. (dated 14th November) to the said Brigadier General Wm. Robertson of Lude, John Haggart, Esquire, of Cairmuir, advocate, and William Dallas, W.S. of the said Lands of Cuthill, Skeraval and others, and of the foresaid heritable Bond and Transmission thereof; which Disposition contains an Assignment to the unexecuted Precept of Sasine in the above Charter of Sale, and is dated 15th November 1803, and Recorded in the Books of Session, 25th May 1804."

"**NOTE.** It having been afterwards found that the above Disposition contained too many words on one sheet, a supplementary Disposition was granted as stated below."

"**INST. OF SASINE** in favors of the said Brigadier General Robertson and Messrs. Haggart and Dallas, following upon the Precept of Sasine contained in the said Charter of Sale, and Disposition and Conveyance thereof by the said James Gibson in their favor, dated the 10th and recorded in the General Register of Sasines at Edinburgh 14th Decr. 1803."

"**SUPPLEMENTARY DISPOSITION** by said James Gibson to said Colonel now Brigadier General Robertson, dated 7th Septemr. 1807."

"**INST. OF SASINE** following upon the Precept in the said Charter of Sale, and the said Supplementary Disposition, dated 15th and recorded in the General Register of Sasines at Edinburgh 29th Sept. 1807."

"**SEARCH OF INCUMBRANCES** affecting the said Lands of Cuthills, Skeraval and others, in the Genl. Register of Sasines, the Particular Register of Sasines, the General Register of Inhibitions, and the adjudications down to 30th June 1807."

"**DISPOSITION** from the said General Robertson and others To Capt. James Farquharson of said Lands, dated 28th Octr. and 11th Novemr. 1807."

"**INST. OF SASINE** thereon, dated 29th August and Regd. in Genl. Regt. of Sasines 12th Sept. 1808."

"CHARTER OF CONFIRMATION and Precept of Clare Constat from Mrs. Farquharson of Invercauld in favor of James Farquharson her son, dated 19th Feby. 1810."

"INST. OF SASINE thereon, dated 10th and Recorded in Edinburgh 22nd July 1811."

The young Laird of Invercauld mentioned in the above Charter of Confirmation, was scarcely two years old when his mother made over these lands and others for his maintenance. She died 27th Feb. 1845, and he November 20th, 1862.

MILTOWN OF MAUSE.

This property, though not of great extent, had been held as a separate estate from an early period in the seventeenth century.

In the Entail of 1811 it is thus entered:—

"All and haill the town and tiends of Wester Milltown of Mause with that pendicle of Easter Milltown called Pickstane and the Two Butts of Land called Dunns Butts with the pertinents thereof lying within the Parish of Blairgowrie and shire of Perth."

The Writs regarding it are the following:—

"INST. OF SASINE In favor of George Halliburton as heir to his father Thomas, proceeding on a Precept of Clare Constat granted by the Commissioners of Andrew Gray of Drumally in the said Lands, dated 30th Nov. 1639."

"CHARTER from the said George Halliburton to George, his son, and his spouse, of the one half of the said Lands, dated 1st October 1647. To be holden *a me*."

"CHARTER of same date and Terms to be holden *de me*."

"INST OF SASINE thereon, dated March 1650."

"DISPOSITION by George Halliburton to Thomas, his son, of the whole of the said Lands, dated 6th Augt. 1669."

"CHARTER in implement thereof of same date and confirmed on the back by Andrew Gray the superior thereof."

"INST. OF SASINE thereon, dated 25th November 1669."

"DISPOSITION by Thomas Halliburton to John Morgan of Overmilltown of the said Lands and others, dated 30th Novemr. 1671."

"CHARTER in implement thereof, dated 1st April 1672, to be holden *o me.*"

"OBLIGATION from George Halliburton to Paul Farquharson¹ to remove from the said Lands in Terms of the Sale made by him to the said Paul Farquharson."

"INST. OF SASINE in the said Lands in favor of the said Paul Farquharson proceeding on a Contract of Sale between him and the said John Morgan with consent of the said James, Henry, and George Halliburton, dated 16th May 1675, the Sasine is dated the 27th March 1680."

"CHARTER OF CONFIRMATION from Sir James Ramsey of Banf, the Superior, in favor of the said Paul Farquharson confirming the said rights, dated 13th May 1708."

"INST. OF SASINE thereon in favor of the said Paul Farquharson, dated 25th Septembr. 1708."

"PRECEPT OF CLARE CONSTAT from Thomas Graham of Balgown for infesting the said Finlay Farquharson, in the lands of Wester Milltown and Pickstone, as heir to his Grandfather, the said Paul Farquharson, dated 12th Septembr. 1760."

"INST. OF SASINE thereon, dated 15th Septembr. 1761."

"CHARTER OF RESIGNATION from the Commissioner for Thos. Grahame of Balgowan in favor of said James Farquharson of the said lands of Wester Milltown of Mause and Pickstone proceeding upon the Procuratories contained in the Disposition from Finley Farquharson, dated 13th May 1760, and the Contract of Marriage, Dated 31st Augt. 1765, and the Ratifications thereof, dated 12th April 1777."

"INST. OF SASINE thereon in favor of the said James Farquharson, Dated 16th and Registered at Perth 21st June 1777."

TEINDS,

There are several papers regarding teinds separate from the incidental notices contained in the assignments and sales of properties. These writs relate chiefly to the teinds of the united parishes of Glenmuick, Tullich, and Glengairn in Aberdeenshire, and Kinloch in Perthshire. They are of some ecclesiastical interest, and may be briefly referred to.

¹ Paul Farquharson here mentioned was the Laird of Rochallie already referred to, and Finlay was his grandson, and last proprietor of his family of this estate, from whom it passed, as above recorded, into the Invercauld Family.

"1st DECREE OF UNION, Provision, and Locality, to the Minister of Glenmuick, Glengarden and Tullich in 1618."

This Decree bears the same date—17th July, 1618—as that for the union of the neighbouring parishes of Logie and Coldstone, and is at the instance of the same parties, "The Commissioners for the Plantation of Churches." This fact seems not to have been known to the writers of the Old and New Statistical Accounts; and their numerous followers since have taken it for granted that no record of the union of these parishes was preserved.

"2d DISPOSITION AND ASSIGNATION of an Adjudication of a Tack of Teinds of Glenmuick and Glengarden by Margaret Burnet and her husband, Dr. Leslie to John Gordon of Breuckley, dated — 1680."

This John Gordon was the son of the "Baron," who was slain by the "Black Colonel" of Inverey in 1666.

"3d DECREE OF PROROGATION of said Tack of Teinds at the instance of Invercauld against the King's College of Aberdeen in 1724."

John Farquharson of Invercauld laid claim to these teinds as legatee of his late wife, Isabella Burnet.

"4th ASSIGNATION OF A TACK OF TEINDS by Pittodrie to Farquharson of Cloak of the Lands of Aberarder and others, dated 28th June 1633."

Farquharson of Cloak (Glenmillan in Lumphanan) was Robert (II.) of Invercauld, who had married Margaret Erskine of Pittodrie, and through her obtained the tack of these teinds from his father-in-law, who had obtained them from his relative the Earl of Mar. This tack was granted the year following Invercauld's first charter over the lands of Aberarder in the parish of Crathie.

"5th DECREE OF VALUATION of Teinds of Lands in the said three Parishes (Tullich, Glenmuick and Glengairn) at the instance of Mrs. Farquharson against King's Collège &c., dated 11 June 1806."

This step was rendered necessary to complete Mrs. Farquharson's infestment in the property after the death of her father (1805).

"6th DECT. OF VALN. OF TEINDS of the Lands of Invercauld and others in the parish of Braemar at the instance of Mrs. Catherine Farquharson Agt. The Earl of Fife and Minister of Braemar by which the stock and teind, parsonage and Vicarage of Invercauld's lands in the Parish of Braemar is ascertained to be £910 9 10½, whereof for Teind is £182 1 11½, dated 5th July 1809."

The above Decreet seems to have been required to expedite a Deed of Entail then in contemplation, and afterwards carried out in 1811.

"7th DECRET OF VALUATION of the Teinds of the Parish of Crathie, dated in 1635,"

supposed to be held valid for the same purpose.

"8th DECRET OF VALUATION of Teinds of the foresaid lands and of the Estate of Kinloch obtained at the instance of James Oliphant of Williamstown before the Lords Commissioners for the Plantation of Kirks and Valuation of Teinds, Agt. the Moderator of the Presbytery—Agent for the Kirk and Officers of State, dated 24 Nov. 1697."

FAMILY PAPERS.

The Family Papers which have been preserved date back only to 1559. Before that period, however, there are well established accounts of the connection of the Farquharson family with Invercauld. Some of these have been referred to in the *Genealogy* of the clan. What has been generally received as authentic commences with the history of Findla Mor.

There is more or less of legend associated with his parentage. His father, Donald (Fàrquhar Beg's son), is said to have married Isabel, only child to Stewart of Invercauld and Aberarder, and to have got with her the said lands.

Burke states that he (Donald),

"In consideration of the eminent service he had rendered to the Crown, obtained considerable additions to his inheritance. He married a daughter of Duncan Stewart, of the family of Mar, and had a son and heir."

Nisbet gives a similar account, and adds :—

"His (Farquhar's) eldest son, Donald, married a daughter of Duncan Stewart, commonly called Duncan Downa Dona, of the family of Mar, and obtained a considerable addition to his paternal inheritance, for faithful service rendered to the Crown."

This account is generally accepted by the various branches of the clan; and seems to countenance the apparently rapid rise of the family, the Earldom of Mar being at that time attached to the Crown. It has, however, been questioned by an eminent clan genealogist, the late Andrew Farquharson of Whitehouse, who, in a letter to the Editor, affirms that Gordon of Cocklairachie was then Baillie or Commissioner to the Earl of Huntly (who had the administration of the Mar Estates), and resided occasionally at Invercauld. Mr. Farquharson also thinks that if Donald came into possession of that property through his wife, she must have been a Gordon, not a Stewart. This statement, however, rests upon a slender foundation.

The events in the life of FINDLA for which there is good authority, are not numerous, but are of some importance. Born in, or about, the year 1484, he married for his first wife a daughter of Stewart of Kincardine on Spey, and had with her a family, according to a genealogical table preserved at Invercauld, of at least four sons, all of whom were settled in the south country. He married for his second wife Beatrix, daughter of George Garden of Banchory, and had by her the five sons mentioned in the *Genealogy*. Burke confuses these two families by erroneously stating that Beatrix Garden was his first wife, which she could not have been, seeing, according to his own and the generally received account, she married John Robertson of Lude after Findla's death.

The date of this second marriage, has not been ascertained, nor is any other circumstance in his life recorded till that which led to his death at the battle of Pinkie in 1547, as already noticed in the *Genealogy* (p. 6). According to the same account he was succeeded by his son,

WILLIAM, who died without issue—date not recorded.

ROBERT I. succeeded his brother.

A relative, Donald Farquharson, styled of Tillygarmunth,¹ is the first descendant of Findla Mor of whom we have any documentary account. The paper regarding him is fully recorded in the "Records of Aboyne," pp. 179-181, and need not be inserted here. It is in substance a mutual bond of maintenance between George, Earl of Huntly, and Donald Farquharson of Tillygarmunth, dated 14th October, 1559.

Tillygarmunth was then a small property near Finzean, in the parish of Birse.

The events in Robert I. of Invercauld's life are briefly noticed in the *Genealogy*. There are no family papers regarding them, nor any of that period till the following:—

¹ Mr. C. F. Mackintosh says, on the authority of a bond entered into "at Invercauld the last day of March in the year of God 1595," that Donald Farquharson of Tillygarmunth was brother of John of Invercauld, and even ventures the assertion that he was his elder brother, for which he gives no authority. That he was his brother is very probable, though his name as such does not appear in any of the *Genealogies*—*Minor Septs of Clan Chattan*, p. 149.

"A MUTUAL BOND of maintenance between the Farquharsons and Shaws. John Farquharson of Cloak and Tillygarmunth for the whole kin and surname of Farquharson on the one part, and Donald Schaw within the bounds of Inchegaull on the other, narrates that their sundrye and divers aiges by gane past memorie of man, baith the saidis parties his throche remotnes and distance of thair dwelling places bein' ignorant of otheris or of thair friendschipe sua that the consanguinite betwixt them till now has been altogether obscure, and seeing the saidis pairteis and friendis acknowledges them selffes to be of one blood and to be cum of one stock and race, so that of all equitie and conscince friendschipe and amitie sould be keipit and interemit amangis them, therefore they for themselves and their kind bind themselves to maintain, seccour, and defend each other in all honest and reasonable causes."

The bond is dated at the kirk of Kindrocht (Braemar), 8th August, 1625, and is subscribed by John and Donald Farquharson, and by a notary for Donald and John Shaws, who declare that they cannot write.

The witnesses are Robert Farquharson of Finzeane, Paul Makquein of Raik, Robert Farquharson appearand of Cloak, and Alexander Farquharson of Lorne.

Much may have happened in the succession to the property of Tillygarmunth in the interval between 1559 and 1625, but it is certain that at the latter date it formed, along with Cloak (Glenmillan) in Lumphanan, a part of the estate of John Farquharson of Invercauld. The subscribers to the bond on the part of the Farquharsons are John of Invercauld, and his cousin, Donald of Castleton. The Shaws were not able to write—such was the state of education in the Western Isles! The witnesses do sign fairly well. It is to be noted that two of them—Robert of Finzean, and Robert (son of John) "appearand" of Cloak—are descendants of Findla Mor's second marriage, and the other two are presumably his descendants by his first wife, and had their properties in Perthshire. *See Estate Papers, Camis and Tombs.*

The traditions of the Farquharsons represent them "as a branch of the Shaws settled around Rothiemurcus, on the Spey." The document now recited, while recognising this clan belief, brings to notice a sept of the Shaws in the Lewis, and points at the existence of others of the name in the islands of the Hebrides, which was spoken of as "Inchegaull," the term used to designate them in the early chronicles. *See Dr. Stuarth's notice.*

"COMMISSION by John, Earl of Marr, to Thomas Erskine of Pittodrie, John Farquharson of Invercauld, and Robert Farquharson of Aberarder, to be his baillies within the bounds of Bräemar, Strathdee, Glengarden, and Cromar. Dated at Stirling, 4 April 1635."

"OBLIGATION by Gregor McGregor, in Gawlerge, that in respect he had received from Robert Farquharson of Invercauld the persons of Donald McLauchlane vic Roy and Duncan bane McKoilly vic Ian vic Aulay, Servitors to Alexander McDonald of Keppoch, who had been imprisoned within the 'chemiese' of Kindrochat; therefore if either of these prisoners should do anything prejudicial or hurtful to any person dwelling above Culbleen, in their persons, goods or gear, he, the said Gregor, should be bound to present them within the said 'chemiese' (or castle) of Kandrochat, on fifteen days' warning, under a penalty. Dated at Invercauld, 23 May 1648."

The servitors to Keppoch were caterans that had been apprehended when on a spuizie; and McGregor had become bail for their appearance.

From the numerous bonds of maintenance and association for defence into which John Farquharson of Invercauld entered, it would appear that his friendship was much sought after by the heads of other Highland clans, and that he was a man of much influence amongst them. This was also recognised by the Privy Council, who in 1641 issued

A "COMMISSION to him for a certain sum of money, to defend the Sherifffdoms of Angus, Mearns, Aberdeen and Banff (which were the counties in which they did most injury and oppression) for a year to come from all reif and spulzie; and what was taken by thir robbers from them, he was obliged to repay the same to the complainer within the space foresaid."

This was very much the same charge as had formerly been entrusted to the Master of Forbes; but Invercauld discharged it with some effect, for he kept the caterans more in check than they had been for several years before.

It is to this period of his jurisdiction that the traditions of those numerous skirmishes with the freebooters of Lochaber for the recovery of stolen cattle is to be referred. Spalding, as already noticed, says that "for executing this office the laird himself was appointed captain, and gathered together out of his own friends (his kinsmen and clansmen) and others about 250 men, and kept the said four shires both day and night

so carefully that none suffered skaith, theft, or oppression, but lived in all peace and quietness." In this work, so dangerous, but so excellently performed, John of Invercauld was greatly assisted by his son, Robert, a man of great learning, valour and prudence.

A Bond, which may be noticed for the names it preserves, is thus docketted :—

"BOND to George Mearns in Christ's Kirk (now Leslie) for 70 lbs. 13/4 with ane assignation on the end therof to Invercauld of Christ's Kirk, or Rathmuriil."

Rathuril was an ancient parish now forming part of Kennethmont. It is supposed by some antiquaries to be the scene of the famous poem of "Chryste's Kirk on the grene," by James I. of Scotland,

COMMISSION BY KING CHARLES

In favour of ROBERT FARQUHARSON of Invercauld,
for trying certain caterans.

"CHARLES R.

"CHARLES by the grace of God King of great Brittane, france and Ireland, defender of the faith, To all and sundrie our lieges and subjects whom it affers and to whom this our seal shall come, greeting.

"Forasmikle as Conell McEantach, Conell McEantach mor, Neil McEantach, Angus McEantach, his brother, Angus McGillavrach, Callum McAngus McAlister, and others, all broken men of the clan Cameron, came under cloud and silence of night, sorners and oppressors, into the bounds and Lordship of Mar, being loddin in form of war with hagbuts, firelocks, targets and pistolls, reft and away taken the haill insight plenishing, goods and gair being in the town stent house of FQuharson, some of the said tanants having raised the alarm, and John Gordon in Glenbarnes hearing the same and having followed the said limmers a certain space, they turned upon him and so cruellie pursued him of his life that twa arrested and shot ane hagbut at him and hurt him deadly therewith in the arme, whereupon the crie being risen in the countrie, and sundrie gentlemen of the countrie having risen and followed the said limmers, in end they wer apprehended and delivered to Robt. Farquharson of Invercalde, ane of the bailies of the said Lordship, who comitted them to ward in our cousin, the Earl of Mar's house where they presntlie remain, and whereat the exhibition of the said limmers before our justices to underly there triall and asmisthment will be verie fasheous and troublesome to the countrie, and hardlie will ane Assyse be gotten to put

upon them at all. Therefore we think it more expedient for the ease of the country that they shall be tryed at home wher they committed their sorning. For the 9th purpose we have made and constitute, and to the tenor hereof make and constitute our Provost of Aberdeen Areskine of Pittoddrie and the said Robt. Farquharson our justices in that pairt to the effect underwritten and we ordane our said justices and commissioners to returne ane formale report in wrett under their hands of ther proceedings in this commission between and the-day of next coming. Given under our Signet att Halyrudhous this first day of November 1638,

"Hamilton.

Roxburgh, Linlithgow, Perth, Wigtoun,
Tillibardin, Hadin'ton, Annandall, Dumfries."

There are several things worthy of notice in this Commission. It sets forth briefly but clearly the manner in which the caterans generally committed their depredations; it goes far to prove the truth of the tradition so long prevalent in Mar that the spoilers of the country mostly came from Lochaber, "Lochaber thieves" being proverbially the worst of their class; and it throws some light on a custom peculiar (if we except fishermen) to the Highlanders of having a kind of personal surname. All these indicted persons were Camerons, yet not one of them was known by that clan name. In fact, the clan name had become so common, that it had ceased to be distinctive. It is also noticeable that though the baron and baron-bailie were said to have the power of pot and gallows, that was limited to their own vassals, for whose conduct they were responsible, and did not extend to those of another potentate. It brings out also the fact that all cases of this sort were tried in Edinburgh. When any of the McGregor bands were captured, they were sent to Edinburgh to be tried, and so of the other caterans. When it was found inexpedient to do this, a Special Commission, as in this case, was issued, appointing time, place, and Justices. The document is also interesting as containing the signatures of the Royal Commissioner and several members of the Privy Council of Charles I. in Scotland.

Farquharson of Invercauld (John) is one of the Lesser Barons who were bound to give attendance at the three Head Courts held by the Sheriff of Aberdeen. In the discharge of these duties, as well as in the management of the estate, he was from this time (1633) generally represented by his only son and heir.

John of Invercauld was succeeded by his son,

ROBERT II., of whom some account has already been given in the *Genealogy* and the *Estate Papers*, which show how capable a man he was in the management of the family affairs. His connection with the fishing industry of the city of Aberdeen has also been referred to; but, though now little remembered as such, it was as a man of literary tastes and sound judgment in public affairs that he was best known and esteemed in his own day and generation.

"In 1634 Robert Farquharson of Invercauld and James Farquharson, W.S., are the Judges and Arbitrators named by Wm. Mackintosh of that ilk while arranging the serious question with Grant, his late guardian, and the large sums claimed as owing to the Minor's estate. In 1643 the said William Mackintosh procures Robert Farquharson of Invercauld and William Mackintosh of Kelachie as cautioners for a pressing debt, and grants them security over his Lochaber estates." *Minor Septs*, p. 150.

Besides what appears in the family papers, several particulars regarding the life and transactions of this laird can be gleaned from other sources. He was evidently a man of business. We find him becoming cautioner for several parties, receiving money from some and lending to others. One instance is worth recording:—

"John Farquharsone of Invercald be Robert Farquharsone appeirand thairof, his son, declarit that thair wes restand (due) to him be George Marques of Huntlie, upon the wodset of Abirgarne—XIIIm merkis." *Sp. Club Misc.*, p. 132.

It was, however, as a county gentleman that he was most conspicuous. We find him designing and carrying out several measures for the peace and good government of the country at a very critical period of its history. He is one of eleven gentlemen appointed by the Government in 1643 as a "Committee on Loan Monies and Taxations for the Shire of Aberdeen." They had the power to add to their number, and other eight were added, with one of whom, Arthur Forbes of Echt, Mr. Farquharson was closely connected by family ties. Sub-Committees were appointed for each of the Presbyteries within the county; and for Kincardine O'Neil, Robert Farquharson of Invercauld, John Irwing of Beltie, and Arthur Forbes of Echt were selected. The duties entrusted to them were much the same as those afterwards discharged by the Commissioners of Supply, and more recently by the County Council. The oath required of them contained the following clause:—

doe sweare and promise befor God and the Commissionaris to doe uprichtlie and impartiallie, according to my best knowledge and informatione," &c.

At one of their meetings, held at Aberdeen on 6th January, 1644,

"John Irwing of Beltie and Robert Farquharson of Invercauld, for themselves, and in name of Arthur Forbes of Echt, Valuatoris for the Presbytery of Kincardine, protestit that no horning pas against them for their valuations in respect they have done lauchfull diligence" &c.

On the 20th of the same month

"Sir William Forbes of Cragywar and Robert Farquharson of Invercauld wer licencied to depairt in respect they wer directed be the Committe of Warr to the Marquis of Huntly, to speik and conferr with his Lordship tuiching sick bussines as ar committed to thair charge with provisione that quhatsumevir beis concludit in thair absence be the present commissioneris of the valuations, the saids Sir William and Robert Farquharsone doeth homologate, allow, and approve, and sall sett thair handis thairto, quhairunto they did assent." *Sp. C. Misc.*

This was an important commission. Warlike preparations were openly carried on by both parties—royalists and covenanters alike. The Marquis was as yet the recognised head of the former, and Sir William and Robert Farquharson of Invercauld were in the county of Aberdeen the recognised representatives of the latter. The task entrusted to them was no light one. They were expected to induce the Marquis to desist from his opposition to their party, and to obey the orders from time to time issued by the Estates in Edinburgh. But so far were they from succeeding in their mission, that Lord Gordon, the Marquis's eldest son, hastened to Aberdeen and convened a committee of his own friends and supporters to supersede the Estates' Committee, and to bring in the rents and levy troops for the King's service.

Soon after this Invercauld joined the other members of the Committee, and met with his friends, "Mr. Alexander Jaffray, John and Alexander Jaffrays, his sons, well armed altogether, with swords, pistols, carabines and muskets, being for the most part all horsemen at the green of Udny" for the purpose of apprehending the Laird of Haddo, who had broken out in open rebellion against the Government. Spalding gives rather a humorous account of the expedition. He says:—

"They go to consultation (on the Green) and send before them the Sheriff depute, with John Spence, Rothsay heirld; David Kemp, messenger; and two notars with commission to charge such as were within, to render the house in the King's name, and the Sheriff followed with his company. Conform to the whilk commission they went forward and charged them within, being about forty men, to render the house, being but laigh bigging wherein Haddo dwelt. It was answered the house pertained not to Haddo, but his son, to whom he had dispoined the samen, and so could not with reason render the son's house for the father's fault; and for his rents, goods, and gear, they were assigned to David Gordon and lawfully intimate. Then they charged them to open gates, whereby they might seek, search, take and apprehend that rebel, the laird of Haddo. They answered, he was not within, and for their better assurance keist open the gates and doors, and suffered none to enter but the foresaid Sheriff-depute, Rothsay, herald, David Kemp, messenger, and the two notars. They made a business (show or pretence) of searching the house, but missing him, they took instruments in the notar's hands of their diligence (!). Thereafter they drank kindly, and parted in peace, and came to the Sheriff and his complices, standing hard beside, and told what they had done. In the meantime, there was shot frae the place of Kelly, hard at their heels, ten or twelve hagbutts, whilk fleyed (frightened) all this people, and scattered them, so that ilk man took the gate, returning home but (without) more ado. It is said Haddo himself, with forty horse, was lying near hand at the back of a know, beholding the sport, but appeared not that day.

"The Jaffrays paid for meat and drink coming and going to Aberdeen (and of course Invercauld bore his share) and got little service. The sheriff seeing thir men break ranks at the shot of thir hagbutts, resolved to go no farther on, but to write to the estates, and show his diligence, as indeed he did, and so the matter ceased."

It is not necessary here to trace the sad fate of the Laird of Haddo, an ancestor of the honoured President of the New Spalding Club; that is recorded in our national history.

LETTER.

(Referred to in Dr. Stuart's Report).

The following letter refers to the troublous times of Cromwell's invasion of Scotland, and explains to some extent Invercauld's attitude towards Montrose. The Protector had routed the Scottish army at Dunbar (3rd Sep., 1650). Another army had been collected and stationed at Stirling and Perth, the latter division having the King in

charge, whom they crowned at Scone, on 1st January, 1651. The army at Perth was composed of both Royalists and Covenanters, the former, really predominating, being recruited largely from the Highlands. While Cromwell was preparing to attack the army at Stirling, vigorous efforts were being made by the Scots to strengthen their position and increase their forces by large levies in the North.

It was in these circumstances that Robert of Invercauld addressed his feudal Superior, and they were but little changed when he received from him the following letter, addressed :—

“My Much Respected and very Loving friend
Robert Farquharson (II.) of Invercauld.”

The original is preserved but it is much torn, and the ink so decayed as to be almost illegible. There is, however, a copy from which we quote :—

“My very loving friend,

“Having the longer the more bethought myself of your most affectionate Letter to me of the 22d January last, though their be so much time slipped since (which is no ways my fault) yet the leavies have drawn so long here in the South as at the length, seeing we may yet do somewhat in time enough. I am resolved to cast myself *upon that counsel you then gave me*, and for that effect am commanded to come North for levying and bringing south all such of my Lord, my Father's friends and followers as shall be willing to rise, and to force those by constraint who shall be unwilling to draw out. I hope to meet with few of these, so that none of our own shall have reason to think that I will either give my own command to others, or that I will not go my self upon the head of our own people, or that I will prefer any in the kingdom to them, or to the respect I bear them; so that now we shall all have the more honour and credite of it, that what we do now is over and beyond the proportion designed for the orderly Servies, which I concieve have not been so great that it can take many off us in what we now intend, and seeing I put no question but you have them all in readiness upon what I wrote to you formerly, I shall now desire you may now be drawing the Vassals that are to come forth on horseback to the field—a sight of their Infettments will show you clearly how far they may compel them. But I had rather a great deal they should do it willingly. But howsoever I think you might bring down fourscore or a hundred foot, out of Mar and *Quarter* upon such as give not ready obedience. But providing the thing be done I leave the way of it to your self. As for the ffoot you may have them all in readiness to march against I come there my self,

which God willing shall be once the next week. Let Horse and foot be provided every way according to publick orders, or further for their better accommodation as you find fitting. And that now I have left all and taken my self to bring out our own people, I trust you will be very active in it both for my credit and *your own*, and the rather that the greatest:—nay the only invitation *I had to follow this course proceeded from your self*, and seeing their is much expected from us as men that have *both power and will* to this Service, *chiefly from your self and me*, Let us in the name of God make to it with the best pith we can, and be assured the Kings Majestys will give *your own thanks for it*. The occasion is most honourable, and we may possibly never have the like hereafter, only because I yet hear that Huntly will be taken into the army I would have you the busier till I come that none of our foot may be left to goe with him. But especially* for those gentlemen of his name that are my vassals, that we may have them joined with us before he come to the field. Be active for this cause. But this must be kept very quiet, at the least so long as till our diligence may prevent them. I have written to Pittodery, Rothney, Glenkindie, William of Invery, and Skellater, all to be in readiness. Let us do as men ought to do, for doubtless God is for us.

“So committing the trust and care of all to your dilligence as a thing which by God's grace, I *with your help* will putt home. I add nothing but that your care in this at this time which I am resolved to hazard my own life in, shall while I live oblige me the more to be

Your true friend to

the utmost of my power (signed)

Areskine.

“Alloway

April 17th (orig. 7th)

1651

*“I have told the King you are about to do this with all imaginable diligence and his Majesty looks for it, and an account of it at your hands.”*¹

At the date of the letter the Earl of Mar, who had been out with Montrose and narrowly escaped capture at the battle of Philiphaugh, was now old and infirm (he died in 1654), and had committed the management of his affairs, both public and private, to his eldest son, John, Lord Erskine, the writer of the letter, who took an active and leading part in the National Council as well as in military matters.

¹ The copy used for the above is not a literal transcript of the original, and in some instances not an improvement on it. The hand-writing has often been met with, and seems to be that of a clerk or copyist employed about 1810-20. The italics are not in the original, but are in the copy.

The position of the Marquis of Huntly referred to, was different. The honours of the family had through a succession of calamities fallen to Lewis, 3rd son of the 2nd Marquis, who had been executed at Edinburgh, 22nd March, 1649. Lewis, 3rd Marquis, was a man of a versatile if not fickle disposition. To the royalist cause he had ever been staunch in his own way, but he had wavered so much between the extreme King's party and the national that he was trusted by neither.

On this account he had not received a commission in the army, but Lord Erskine had seen symptoms of a reconciliation, and this is what he refers to in his letter. They were now to be both embarked in the same cause, and hence the rivalry.

The battle of Worcester—3rd Sep., 1651—put an end to all opposition to Cromwell's rule, both in England and Scotland; and the raising of the men to which the letter refers never took place.

The following connection between the families of Invercauld and Inverey is notified by an

"OBLIDGMENT be Inverey to relieve Invercauld of the oblidgment contained in his Contract of Marriage."

This was an obligation on the part of Robert Farquharson of Invercauld for dowry to his daughter, who married William Farquharson of Inverey. But she dying without issue, and he having married for his second wife Ann Gordon, daughter of Abergeldie, the obligation was cancelled as above.

Robert was a good churchman during the early episcopacy, was a Covenanter afterwards of the type of the Earls Marischal and Argyle, but took no prominent part in the civil war. He disapproved of Montrose's insurrection, was strongly opposed to Cromwell's invasion, and remained throughout firmly attached to monarchical government.

ROBERT III. Besides what is stated in the *Genealogy*, there is not much more to be gleaned regarding this laird from the Estate and Family Papers. He is often confounded with his more illustrious father, whom he survived about thirteen years. This led to some genealogists—Burke (*Landed Gentry*), and following him, Anderson (*Scottish Nation*)—omitting his name altogether. Dying without surviving issue in August, 1666, he was succeeded by his brother.

ALEXANDER. Burke's notice of him is as follows:—

"Alexander Farquharson of Invercauld, who *m.* Isabella, dau. of William Mackintosh, of that ilk, by Margaret, his wife, dau. of Graham of Fintry, and had three sons and a dau. viz : William, his heir ; John, successor to his brother ; Alexander, of Monaltrie ; and Margaret, *m.* to John Robertson, Esq. of Lude."

It is to be noted here that Alexander's wife is given as ISABELLA, whereas she always signs herself ELIZABETH. These two names are often confounded in old Scottish records. His marriage seems to have taken place rather late in life, for his eldest son was a minor in 1693. He was a man of a retiring disposition, but paid much attention to the improvement of his estates, as appears from the numerous transactions regarding them which took place during his occupancy. His marriage connection with the chief of the Macintoshes afforded that family in his latter years an opportunity of intermeddling with his affairs, of which they were not slow to take advantage, and which gave some trouble to his successors.

One of the first matters requiring his attention was the settlement made for his late brother's widow. By her marriage contract Anna Ogilvie was entitled, in case she survived her husband, to an annuity payable out of the rents of the estate ; but there being no issue of the marriage, this contract, with the consent of both parties, was cancelled or modified by a will made only a year before his death. The will, thus made in her favour, might have been carried out without difficulty had she not been in such haste to get married again—an event which annulled some of the provisions of it. The following was the result of much negotiation between the parties interested:—

It is a long document entitled, "Agreement Betwicht Mr. Rorie McCenzie and Ladie Ane Oglvie Farqrsone 1669," and is of some importance, not so much for its subject as for the names and dates it supplies. It sets forth that,

"Att Daies the 22nd of November 1669 years, the said day thir compeared and condescended and agreed betwixt Alexander Farquarsone of Wardhouse on the on pairt and Anna Ogilvie spouse to Mr. Rorie McKenzie with consent of the said Mr. Rorie on the other pairt in maner and to the effect after following. They are to say thatt, Wheras by ane disposition executied by umwhill Robert Farquarsone Est. Wardhouse

with consent of the said Alexander Farquarsone his sone (brother) and they both with one consent and assent off the daif of the 21st day of July 1666 years (agreed that) the said Robert Farquarsone with consent forsaide sauld, anelted, and disponed to the said Anna Ogilvie in liferent all the days of her life in all and haill the toun and lands off Weitts with the heughland &c. and the Milne of Glanderstonie with pertinents &c. and to defend the said Anna Ogilvie in her liferent therof all the days of her life at all hands and agt. all deadlie," &c.

On certain money considerations, payable yearly and termly, beginning at Whitsunday, 1667, "the said Anna Ogilvie is and shall be boldine to relieve the said Robert Farquarson and his aires during her lifetime" of the obligations under the above disposition, from and after the term of Whitsunday, 1667.

"And the said Anna with the special consent of the said Mr. Rorie, and they both consent and assent on their pairt as folows: To litt (wit), the said Anna Ogilvie with the consent of the said Mr. Rorie McKenzie, her husband, doeth discharge all title, cleam and interest to thatt croft of land &c. and makes over the same to belong to the said Alexander Farquarsone, his aires," &c.

There is also a disposition by said Anna of another pendicle called the

"Shepherd's Croft in the wreths presentlie possessed be William Leslie, and during the haill days and years of the said Anna her lifetime so long as the cesse remains as any burdine on the land," &c., &c.

It then concludes:—

"Ther lawfull process for consenting therto in wittnes wheroff they hav subservyed thir presents writtine be the said Rorie McKenzie, day, year and pleac forsaide before wittneses, William Forbes off Echt; Mr. Alexr. Forbes off Foberone; Alexander McKenzie, servitor to the said Rorie; and Thomas Farquarson, servitor to the said Alexander Farquarson,

W. Forbes of Echt, witnes

A. Forbes, witnes;

A. McKenzie, wittnes;

Th. Farqrsone, wittenes."

R. McKenzie.

Anna Ogilvie.¹

A. Farqrsone.

¹ Anna Ogilvie was the daughter of Alexander Ogilvie, Esq., W.S. in Edinburgh. His estate, or Barony of Kempeairn, was situated on the River Isla, in the parish of Keith and county of Banff, to which parish he was a considerable benefactor, having "in the year 1647, destined his Mill and Lands of Edinchiach, a part of the *Barony of Kempeairn* for 'building and upholding the School-House, and maintaining a Schootmaster in the Parochin of Keith'"—an endowment from which it still derives benefit. See Dr. Gordon's *Book of the Chronicles of Keith*.

The occasion that gave rise to the foregoing Agreement and settlement was the marriage of Anna Ogilvie and Roderick McKenzie, 31st October, 1666. She was the daughter of Ogilvie of Kempcairn, and had been married to Robert Farquharson (III) of Invercauld and Wardhouse, after whose death, in 1666, she married Mr. Rorie, or Roderick McKenzie of Dalmore—now Mar Lodge—in Braemar. Rorie seems to have been a man of some parts, as he has the title of Mr. prefixed to his name, a distinction then almost exclusively limited to clergymen and masters of arts. He was also the writer of this long legal agreement which, considering its date, reflects no little credit on his style and penmanship. He probably had studied for the legal profession. It is noticeable also that he is the earliest in these papers to spell the Garioch property Wardhouse, and not Wardes, as it was written both before and after his time. His estate consisted of Glendee, Glenlui, and Glenderry, the wildest and most mountainous in all Scotland.

A good deal of confusion, as already noticed, has been introduced into this portion of the family history through the failure of certain writers to observe that there were not *one* but *two* Robert Farquharsons, father and son, styled of Invercauld and Wardhouse. Even in the Family Tree, which probably formed the chief, if not the only authority for later genealogists, this fact is unnoticed; but in the earlier chart it is fully set forth, as it is also to be clearly gathered from many family papers of the period.

Some confusion also exists as to the acquisition of Wardhouse by the Invercauld family as well as to their succession in it. Dr. Davidson, in his *Earldom of the Garioch*, p. 222, states that "The barony of Wardes in Kennethmont was lost by the family (of Leslie) about 1650, and after being the property for some years of Robert Farquharson of Invercauld, who wedded a daughter of Erskine of Pittodrie, was sold to Sir John Gordon of Beldornie, whose descendents *still* possess it." The Invercauld papers enable us to correct and supplement this statement. From them the fact appears that as early as 1642, if not earlier, Robert Farquharson of Invercauld and Alexander Jaffray (Provost of Aberdeen) of Kingswells held conjoint bonds over the lands of Wardes and had virtual control of the property, and paid cess and other dues on it. These two were at the same time lessees or proprietors of the salmon fishings at the mouth of

the Dee; and it was through some arrangement between them that Invercauld's interest in these fishings was exchanged for Kingswell's interest in the lands of Wardes. This transaction must have taken place before 1645, as Jaffray died in that year, and from that date Robert Farquharson was sole administrator of the estate. He died in or about 1653, and was succeeded by his eldest son, Robert, second laird of Wardhouse of his name, who married Anna Ogilvie, and died in 1666, leaving her a widow without family. In a few months after, she married Mr. Rorie McKenzie of Dalmore, on which marriage there arose several questions regarding her rights under her previous marriage settlement and the jointure allowed her by her late husband.

Robert Farquharson second of Wardhouse, was succeeded by his brother, ALEXANDER, who is one of the parties to the above agreement which settled all differences between him and Mr. McKenzie of Dalmore.

"A BARON-BAILIE COURT."

The following minute of a Baron-bailie Court furnishes a good example of the manner of holding such courts; of the nature of the cases that frequently came before them; and of the character of the punishments inflicted for such offences, as well as of the lawless habits and armed condition of the Highland peasantry 250 years ago.

It is not clear who was the Ja. K. Grigory who signs the minute before Mr. Farquharson. The name does not occur in any other document of the period, but, judging from the highly artistic caligraphy of his signature, he must have been a person of no small consequence, or at least thought himself so.

"The Court of the Lordship of Marr holden within the hall of Monaltrie upon the nineteenth day of June 1676 years by Alexander Farquharson of Invercauld, baylie constitute be ane Noble Earle Charles, Earle of Marr; James Thomson, Notar publick, Clerk of Court, Donald Fleming, *alias* McQhardies (McHardie), officer.

"The suits called, and the Court Lawfully fenced and defended by Dempster,

"The said day Calam MacGregor in Ardochie, being of before delate for strubbling and wounding of Alaster Coutts, *alias* Ceandich in Stranreich in Glengardine with a sword twice in the head and once in the arm and another in the left Syd; and being sumonded and brought heer this day for that effect, and being called confessed that upon the fourteent day of the present June, he coming by the sd. Alaster Coutts his house in Glengardyne, after some words passt betwixt them, he drew his sword and cutted him twice in the head, and gave him a cutt in the Left arm and another in the Left syd, and declared that he saw no arms that the sd. Alaster Coutts had upon him, or at least he saw him not make any use of them if he had any, whilk being so and so readilly confest, the Said Bailie onlawed the said Calam MacGregor in fiftie pounds Scots money to be payed withiñ terme of Law under payne of poynding, and by and attour the said bailie ordayned the said Calam MacGregor to sett sufficient caution that he should present himselfe before the said bailie upon twentie dayes warning to underly the Law Incase the said Alaster Coutts shall happen to die in the said wounds so given him at that time. The Court continued to twenty four hours advertisiene.

Ja. K. Grigory.
Farqrsone.

Ja. Thomson Clk. ac Scriba Curii."

BRAICHPLEY'S TEINDS.

The following, relative to the slaughter of the Baron of Braichley, shows the connection of Invercauld with that Family :—

DIGEST of a paper headed :—

"Information for Dr. Leslie and Margaret Burnet, his Spous,
Agst.

The Minister and parioshiners of Glenmuick and Glengarden."

The paper, which is much defaced and torn, is dated 1681, and states that,

"The deceast John Gordon, having ane tack of the teinds of the said parioshines for ane considerable number of yiers from the members of the King's College of Aberdeen, Titulary of the samen, the sd. Dr. and

Margaret Burnet, now his spouse, for implement of the Contract of Marriage past betwixt hir and the sd. deceast John Gordon, hir first husband, did adjudge from the representatives of hir sd. husband the samen Tack."

It then proceeds to relate the several processes at law through which the case had gone before the Lords of Council and Session. This portion is much obliterated and rent; but some passages in it are of interest as showing the state of education and the attitude of the common people to the Civil Authorities. It had been found impossible from any recorded data to apportion the teinds among the several proprietors and tenants, and an order was issued to put them on oath. Thereupon the paper remarks:—

"Att the advyseing therof it will be fitt to represent that they doe appear supinlie ignorant in sua far as many of them swore that they did not know how many bolls of oates they did sow, neither doe they condescend upon any other measure or quantitie of oates, wheras it is nottourlie known that ther is none in Scotland but at the least can guess upon the quantitie both sown and reaped, and some of the oathes doe cauvell, others so far asua they deny that in their countrie they measure by bolls wheras it is known to all the world to be false. Others of them would seem to inferr the contrair, and confess they doe sow some two, some three bolls, their oathes are most suspect in respect that some of them depone that twentie three pks. will not make a boll—a thing lykwise known to be untrue."

Several other instances are adduced to show that the interrogated did not regard their oaths. They were set upon defying the civil power to tax them.

The Margaret Burnet here mentioned had been the wife of John Gordon of Braichley, "The Baron of Braichley" of the well known ballad, whose slaughter by John Farquharson of Inverey, "the Black Colonel," has been already noticed.

It remains to be observed that, as Inverey's raid took place in 1666, and the proceedings to which reference is here made began in 1677, she had remained a long while a widow. This fact gives no colour to the tradition alluded to in the ballad, that it was in consequence of her jeers that the Baron lost his life on the occasion. Then she is called Catherine in the ballad:—

"New, haud your tongue, Catherine, and bring me my gun,
I am now going forth, but I'll never come in."

Of this, two explanations may be given: Ballads generally conceal the real under fictitious names; but it may have arisen from the ballad confusing, as pointed out by Dr. Joseph Robertson (*Deeside Guide, 2nd Ed.*) two raids on the Gordon lands in Glenmuick by Highland caterans, one in 1592, and the other, the above noted, in 1666.

The following are some of the depositions referred to, taken from a Paper, headed:—

"Ane double of Some Wittneses depositions taken at Aberdeine be Bailie Burnett and Georg Paton indwellers in Aberdeine upon the 27th, 28th, and 29th days of Janry. 1680 yeirs in the action depending att Doctor Leslie and his Spouse iinstance AGAINST the minister of Glenmuick and Glengardine for his sequestratione of the Teynds of the sd. two parishines."*

"Patricke Gordon of Auchinleith, married man, aiged 54 yeirs or therby, purged of partial counsell and interogat conforme to the Comissione, Deponed that the deceast John Gordone of Braickley was killed upon the 17th day of Septer. 1666 yeirs, being then of the age of 36 yeirs, and he was informed that John Gordone now of Braickly at his father's death was about 6 or 7 yeirs of age, and that William Gordone, father to the sd. deceast John Gordon of Braichlie, dyed in the month of march 1645 yeirs, and that about that tyme the sd. deceast John Gordone was about 14 yeirs of age, he being borne in the year 1631 yeirs; causa scientiæ he deponat he (it) was thocht the sd. deceast John Gordone was his uncle, and knew what he deponeit to be of truthe as he shall answer to god at the great day.

Sic scrib. P. Gordone."

To the same effect are the testimonies of

"Alexr: Ross of Brassbegg," who signs his name—

"Sic Scrib. Allexander Ross;"

"Jeames Gordone of Ballnoe,"

whose evidence is attested by

"Sic scrib— Alex. Burnett

and Georg Pattone;

"Patricke Gordoun, in Tombroich"

and by

"Duncan Gordone in Wardhead,"

who has somewhat more to add:—

"Married man aged threescore yeirs or therby, purged, ut supra, deponit that the deceast William Gordone of Braicklie depairted this lyfe about March 1645 yeirs, and at the tyme his son (not nephew), the deceast John Gordon of Braicklie, was in the 14 yeir of his age; and that the deceast John Gordone was killed in Septer. 1666 yeirs, and that John Gordone now of Braicklie was then seaven yeirs of age—*causa scientiae* he deponit that he hes leyvit all his dayes in the lands of Braichley, and was present when the sd. deceast John Gordone was killed, and at John Gordone, now of Braichley, his Baptism," &c.

Attested by

"Alexander Young in Toldow;
Alexander Bowman in Crofts;
John Smith in Ballindorie,"

who uses the word "murdered" instead of "killed" as applied to the death of Braichley; all also testify to the present laird being the son of the late baron.

The dispositions in regard to teinds do not appear.

"MEMO OF ASSEDATIONE BETWIXT MARGRAT BURNET AND ALLASTER STUART—1667."

"Att Braichly the ninth Janry. 1667 it is finally agreed upon betwixt Margret burnet, relict of the deceast John Gordone of Braichly on the ane part and Allaster Stuart on the other pairt as after follows, that is to sai—the sd. Margret Burnet sets to the sd. Allaster Stuart six and half ploughs of land on east syde of burne of Braichly as the burne ganges, and during the space of fyve yeirs," &c., &c.

This document was produced at the hearing of the case, "Doctor Leslie and his spouse, Margaret Burnet, *versus* the Minister of Glenmuick and Glengardine in respect of liability for teinds."

It is noticeable that the Assedation was finally settled only three months after the slaughter of her husband in the Inverey raid. It is signed by "Margrett Burnet," and witnessed by Alexr. Gordone and John McKenzie.

Another document, very much decayed, is docketed "Braickley's Testament," and seems to bear the date 1664; but it is really not a testament by Braickley, for it is headed—

"Ane Testament dative and Inventorie of the interests and debts pertaining to the deceast John Gordone of Braickley."

It is signed and stamped, and is plainly enough dated, though in great part illegible, "Sixth day of July 1667"—nearly ten months after his death.

The contents seem to refer to some "monie which sd. John Gordone had designed" for some special purpose.

There is no reference to this money in any of the Brackley Papers. It refers solely to the distribution of the Teinds of Glenmuick and Glengairn, which were soon after acquired by INVERCAULD.

"BOND TO THE PEACE BY ALEXANDER FARQUHARSON OF INVERCAULD, TO PRIVY COUNCIL OF SCOTLAND FOR HIMSELF AND HIS CLAN 1672."

"Charles by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites.

"Messenger our Sheriffs, conjunctly and severall specially constitute, Greeting For as much as Alexander Farquharson of Invercauld and Wardhouse, being called before the Lords of our Privy Council to give Bond for the peace of the Highlands, He as principal and with him Archibald Reed of Edindurno as Cautioner for him, Bond and obliged themselves, Heirs, Executors, and successors, That the said Alexander Farquharson his hail Tenants, Servants and Indwellers upon his Lands, Rooms and Possessions, as also that those persons of his name, descended of his Family wheresoever they dwell, shall commit no murder deforcement of Messengers, ryfe, theft, receipt of Thift, open and avowed for raising upon Deadly Feuds, or any other Deeds contrarie to the acts of Parliament, under the penalty of Three thousand Merks besides redressing and repairing of all parties scathed, and Farder that he shall exhibit and produce before the Council or Justices any of his own Tenants, servants, indwellers upon his Lands, or any person of his name descended of his family, whenever he shall be called or lawfully cited to that effect, under the pain foresaid; and for the said Alexander Farquharson his relief The Lords of our Privy Council be an Act of the date of thir presents have ordained thir own letters to be direct against the several persons for whom he stands obliged, to grant him Bond of Redress within fifteen days after they shall be charged, provided the sum to be contained in the said Bond of Relief do not exceed the sum contained in the said principal Bond; and in case any of the said persons refuse to give the said Bonds of Relief within the said space, orders and warrands (shall be) granted for apprehending and securing their persons in manner after specified as the said Act of the date foresaid at more length propoerts. Our Will is therefore and We charge you strictly and command that incontinent thir our letters seen, ye pass and in our name and authority command and charge All and sundry the said Alexander Farquharson of Wardhouse his hail Tenants, servants, and Indwellers upon his Lands Rooms and possessions, As also the hail persons of his name descended of his family wheresoever they dwell, to grant subscribe and deliver to the said Alexander Farquharson Bonds of Relief of the tenure and nature foresaid Provided that the sums therein to be contained exceed not the sum foresaid contained in the said Alexander Farquharson his own Bond after the form and tenor of the foresaid act in all points within fifteen days next after they be charged be you, and in case the said persons or any of them should refuse to grant the said Bond of

Relief within the space foresaid We with the advice of our Lords of the privy Council Doe hereby give full power and authority to the said Alexander Farquharson to apprehend and imprison thir persons in the next convenient prison until they give obedience, and ordains All Sheriffs, Stewards, Magistrates, Messengers at arms, and others in Authority, to give them concurrence and assistance to the execution thereof according to Justice as ye will answer to us thereupon. The which to do we commit to you conjunctly and severally full power by thir our Letters, delivering them by you duely execute and indorsed again to the Bearer. Given under signet at Holy Rood House the fifteenth day of July and of our Reign the Twenty fourth year 1672."

Alexander of Invercauld was thus recognised by the Government as the Head of his clan, and held responsible for their peaceful and honest lives.

After the Restoration in 1660, the turbulent Highland clans, thinking they were now at liberty to prey upon their Lowland neighbours, broke out into frequent raids. At last they became so troublesome that even the lax Government of Charles II. was constrained to adopt measures for their suppression; and commissions were issued to several of the Highland chiefs to protect the Lowland border from these incursions. John Farquharson of Invercauld had received a commission of this sort from the Earl of Mar as early as 1635, and another from the government in 1641, and, according to Spalding, did effectual service. But for some reason the commission was withdrawn and conferred upon McIntosh of McIntosh, who neglected altogether to restrain the Highland raiders or punish the broken men.

The next step taken by the Government was to call the several chiefs before the Privy Council in Edinburgh, and bind them over to be responsible for the depredations committed by their clansmen—a heavy responsibility, and one to which they submitted with anything but a good grace.

The obligation thus laid upon them gave rise to many protests; but it had the effect of somewhat restraining the lawless and broken men.

The commission above quoted is the form of the obligation previously laid upon Robert Farquharson of Invercauld as the chief of his clan.

As a necessary consequence the chiefs demanded, and were empowered to exact, the same obligations from the heads or chieftains of

the various septs or families owning allegiance to the chief. As it really was these septs that were the principal depredators, much difficulty was experienced in getting them to sign the required Bond.

The following is the one granted to Invercauld by Donald Farquharson of Balfour; and similar Bonds were granted to Alexander in virtue of the commission quoted above.

"BOND OF RELIEF TO ROBERT FARQUHARSON OF INVERCAULD BY DONALD FARQUHARSON OF BALFOUR SON TO ALEXANDER FARQUHARSON OF FINZEAN BY AUTHORITY OF THE BOND TO THE PEACE GIVEN BY INVERCAULD TO THE PRIVY COUNCIL."

"Be in kind till all men by thir presents me Donald Farquharson of Balfour; for swa mikle as be divers laws and acts of Parliment made for suppressing of Thift, receipt of Thift, and other crymes, which were more ordinarily committed in the Highlands, It is statute and ordained that Landlords and their Baillies, the Heads and Chestans of Clans, should find caution for their vassals, their Tenants, servants, and Indwellers upon their Lands, Rooms and possessions, Like as by said Acts of Council. It is statute and appointed that Branches of Clans and heads of Families (should do the same to their chiefs) and seeing the said Donald Farquharson is most willing as master of the Tenants underwritten to secure both for himself and his Tenants and servants, Therefore will ye me thi said Donald Farquharson to be bound and obliged like as I bind and oblige me my Heirs, Excers., and successors whatsoever, that I myself ye persons underwritten my Tenants. Viz: John and James Watts, James Gordon, John McAndie *alias* Riach and John Corbat all labourers of the ground—That I myself nor none of them sall committ no murder, nor deforcement of Messengers, receipt of Thift open and avowed upon Deadly feuds, depredations, or any other Deed contrair to the Acts of Parliment, under the Faillie of Two hundred pounds Scots money, besides the redressing and repairing of all Parties scaithed, and farder that we sall be called or lawfully cited for that effect under the Penalty foresaid, Consenting thir presents be insert and registrat in the Books of Privy Council to have the strength of an Decreet thereof interponed thereto that Letters of Horning and others needful may be direct upon one single charge of Ten days alternarly and I constitute our lawful Prors. In Witness whereof written by David Ferguson, Writer in Edinburgh I have subscribed thir presents at Braichly the thirtieth of July one thousand six hundred and Eighty three years before witnesses John Gordon of Braichly and the said David Ferguson

(Signed) Ferguson.

(Signed) John Gordon, Witness

(Signed) Da : Ferguson, Witness."

These obligations were slow in coming in; therefore the following letters were obtained :—

"Letters by the Privy Council of King Charles II., dated 15th July 1672, narrating that Alexander Farquharson of Invercauld had bound himself that the tenants of his lands, and those of his name descended of his family, wherever dwelling, should commit no murder, deforcement of messengers, reiffe, theft, receipt of theft, open and avowed fire-rasing upon deadly feud,—therefore ordaining all such persons for the relief of the said Alexander, to grant bonds to him under such penalties as should not in whole exceed the sum in his bond to the Privy Council."

The following bond, among several others of a like nature, was given to Invercauld in response to the bond, which he (Invercauld) had taken to the Government for the suppression of the wild men of his clan and dependents; from which it would seem that certain persons, not of the clan, either claimed his protection or owned allegiance to him. Hagh (Haugh) was then a small property on the north bank of the Dee near Cambus O' May, owned by a Peter Gordon, whose valuation as given in the Poll Book was £24 3s. 4d.

"Bond by Patrick Gordon of Hach, that neither he nor his tenants and servants shall comitt no murder, deforcement of messengers, reaffe, theft, receipt of theft open and avowed upon deadlie feud, depredations, or any other deeds contrar to the Acts of Parliament, dated 21 July 1683."

Bonds of mutual support in arms, as already noted, were not limited to neighbours, or even kindred clans, but extended over the length and breadth of the Highlands and Islands. The bond between the Shaws in the Isle of Skye and the Farquharsons in Braemar is intelligible on account of their common ancestry, though it is difficult to see how it could be of any material value to either. The bond now to be referred to had not, so far as known, any claim of kindred to sanction it, while the distance between the contracting parties was almost as great. It is, however, of historic interest, on account of the tragic fate that befell one of them nearly twelve years after it was entered into. It is in the usual form, and is headed,

"BOND OF MAINTENANCE between Alexander Farquharson of Invercauld and Alexander Macdonald, of Glencoe, dated 13th April 1680."

"A true copy of a Paper written by the late King, my brother, which I found in his closet James R."

'This memorandum has probably been written by the son of James II. It is directed to a consideration of the numerous heresies which have crept into the nation, and the incompetence of the Church of England to pronounce on spiritual questions.'

This copy has not been found, but was seen by Dr. Stewart, and is noticed by him as above.

A BILL TRANSACTION.

"I, Mr. Robert Farqrson, Student in divinitie, forasmickle as I am assigned to ane bond resting be William Farqrson of Inverey as principal and Jhon Farqrson his uncle as canor to Jhon Farqrson of Kirkton of Aboyne which bond forsd. Jhon Farqrson of Kirkton has assigned me be transferring the whole contents of said bond with the annualrent thereon &c. I therfor be thir prtts empowers Alexr. Farqrson of Invercauld to recover the said contents &c. &c. Written and subscribed att Invercauld 16th Octr. 1675. Rbt. Farqrson.

Witnessed by Jhon Farqrson, Westoun; and James Christie, servitor to sd. Alexr. Farqrson."

The Editor has not been able to trace the "Student in divinitie." "William Farqrson of Inverey" was married to a daughter of Invercauld, who died without issue. His uncle, "Jhon"—not the "Black Colonel"—was married to Elspeth Reid, daughter of the Rev. Robert Reid, minister of Banchory and great grandfather of the celebrated metaphysician. The Invereys at this time were a leading protestant family.

During Alexander's tenure of the estate of Invercauld (1666-1681), many changes took place in respect of the smaller properties of which it was composed. These have been recorded in the *Estate Papers*. What he is best known and will be principally remembered for is his rebuilding in great part the Mansion house. We have no means of judging of its extent or style before his time; but he it was who first made any considerable additions to the old house. There is yet extant the stone which he placed over the principal entry bearing the Arms of the family as they then existed, a sketch of which has been supplied by Major Victor Farquharson. It bears the date 1674. This, however, was not the only addition he made, for we find the following entered into:—

"Contract, dated at Overhall 15th March 1679, between Alexander Farquharson of Invercauld and William and Francis Gordon, masons at Nethermill of Alford, for buildings to be executed at Invercauld." See also *Estate Papers*—article "*Invercauld*."

Except for the raids of the caterans and the spuilzies of broken men, which required some watchfulness on the part of Invercauld and his neighbours, and a few clan feuds, such as that between Inverey and Braickley, the reign of Charles II. was a comparatively quiet time in the Highlands of Aberdeenshire, and accordingly more attention was bestowed by proprietors on the enlargement and increased comfort of their dwellings than was thought of in the troublous times of the long civil war, when security and defence were the main objects in view. Many of the *Deeside* mansions were at this time both enlarged and adorned, especially was this the case at Aboyne and Invercauld.

Alexander Farquharson died in 1681, leaving a widow with three sons and one daughter, all young, the eldest (the daughter, Margaret) being then only ten years of age.

The period ranging from 1681 to 1694 might be called a sort of interregnum in the administration of the estate of Invercauld. Alexander's children being all under age, trustees were appointed, of whom Arthur Forbes of Echt, the tried and trusty friend of the late laird, was the only one not in some degree related to the family. A Mr. John Forbes was appointed tutor to reside at Invercauld and assist the lady generally in the management of home affairs, which, as appears from what afterwards took place, he did to her entire satisfaction.

The estate affairs were mostly under the control of Lauchlan McIntosh of that Ilk, the widow's brother; John Farquharson of Fortrie (Rivernie), tutor to Invercauld; and Arthur Forbes of Echt, guardian of Margaret and her two youngest brothers. The chief events which they negotiated were the sale of the Wardhouse estate and the purchase of the two baronies in Cromar. These matters, especially the latter, demanded much attention and circumspection, in which they were ably assisted by Messrs. John and Alexander Thomson, town clerks of Aberdeen, and Rev. Robert Farquharson, minister of Kennethmont, a near relative of John of Fortrie. The documents relating to these transactions have

already been noticed under the headings, KINALDIE and MELGUM—*Estate Papers*. The following, however, will give some idea of how troublesome the conveyance was to the lawyers of those days, as well as supply some information regarding the family:—

“LETTER AND INFORMATION

From Mr. Alexander Thomsone

To Mr. John Forbes.

18th Decr. 1695.”

“Sir,

I received yours with Invercald's Charter of Kinaldie and Melgume and ane letter to him from you whilk letter I sent to him, and kepted the Charter by me untill I should consider the same, which having done I perceave the lands in the dispositive part of the Charter (where they are only insert) are not sett down so fullie as in the two dispositions granted be Boyndlie and Melgum to the deceast William Farquharson of Invercauld, which is ane great mistake. I have sent you ane copie of the lands as they are insert in the fords. two dispositiones, and we will have them so insert in the Charter. And ye will perceave thereby that in Melgum's dispositione there is omittit part of the Charter which is insert therin (The Walkmilne of Melgume, The toun and lands of Windsie, The toun and lands of Barhillock) And in Boyndlie's dispositione there is omittit out of this Charter which is insert therin (The Milne lands of Kinaldie with the multures, suckine, sequells and knaveships therof and the Clay following viz. with the manor place houses, biggings, yards, orchards as in Boyndlie's dispositione. Ye know verie weell that the lands ought to be particularlie insert in the Charter as they are in the dispositione. And I admire as of what papers the lands hes been takene as they are inserted in this Charter. And that ane persone of Commissar Elphinston's knowledge should let ane signature come through his hands disconforme to the grounds therof. However I have returned you the Charter that ye may cause transcribe it ffor beside what lands and others are omittit as above, the lands of Kinaldie and Melgume are verie confusidlie mixed through other in this Charter, So that Invercauld have the lands insert in the Charter as follows:—

“Totas et integras terras et baroniam de Kinaldie comprehendentes parlāres villas, terras asrāy infra mentionat viz villas et terras de Kinaldie, Knocksoul cum molendino de Kinaldie terris molendinariis, multuris, sequelis et lie knavesshyps ejusdem, Villas et terras de Balgrene, Cairnmoir, Pitallachie, Boigstounne, Badnageach, Pentelewan lie Reibl migve de Auldvantush in Bonreach, Overgarlet, Nethergarlet, Auldremuck, cum lie sheillings et pasturis pētefi in monte de Morving vocat Bonzeach.”

And so on at considerable length as regards the Barony of Kinaldie;

and, in another hand, similarly in regard to that of Melgum. The place-names are much the same as those contained in the Poll Book of the following year—1696.

The Invercauld referred to is John Farquharson, who had succeeded to the estate on the death of his brother, William, the previous year.

The Mr. John Forbes was his step-father.

ELIZABETH MCINTOSH, or, as she spells her name, *Elisabeth McIntoshe*, dowager Lady of Invercauld, was the daughter of William McIntosh of Torcastle, whose son, Lauchlan, Lady Invercauld's brother, on coming of age, became chief of Clan Chattan—a position then accounted of the first rank in the Highlands. The date of her marriage to Alexander Farquharson of Invercauld, chief of the Farquharsons, has not been ascertained for certain, but there is evidence that it did not take place before his accession to the estate in 1666, nor probably for a few years after. The circumstances in which she was placed at her husband's death have already been noticed.

After some years she came much under the influence of Mr. John Forbes, the tutor selected to conduct the education of her young family. There is not much known of the previous history of this gentleman. His father, Adam Forbes, had been tutor or factor to the Laird of Brux, so that he had early been bred to that line of life. He had probably received a university education, as he is invariably designated *Mr.*, a distinction then seldom or never bestowed on any but graduates of a university.

It would appear from the following Disposition of a portion of the annuity left her by her late husband, that she was an affectionate mother, and not unmindful of the interests of her family. The clause, "certain various causes best known to myself," refers perhaps to the change in her circumstances which she may even then have contemplated. It will be observed that she assigns nothing to her eldest son, William; and the reason is obvious—he was heir to the estate. The deed is as follows:—

"Be it kend till all men by thir prents I, ELISABETH MCINTOSHE, relict of umqll Alexr. Farqrsone of Invercald, at the making herof out of love and favour I bear to my children and certaine various causes best known to my self moving me thereto, to have dispooned and alienated,

lykeas by the tennors heirof I do dispone and alienate all and hail the soume of FOUR HUNDRETH marks Scotts in and in favours of MARGARET FARQRSON, my daughter, JOHN and ALEXANDER FARQRSONNS, my youngest sonnes, and that yearlie and ilke yeare during the space of my lyfetye with this speciall preslone that it sall be herent and in my power to destribut the said soume of Four Hundreth marks Scotts above foresaid to one or all the above nominat children according as they sall merit or otheras the somess at my hands by ther naturall and christian walking and fearing towards God and ther said parent. And I, the sd. Elizabeth McIntoshe, doth hereby bind and oblidge my self, my airs, executors or assyneys what somever to make thankfull payment yearlie and ilke year of the sd. soume off Four Hundreth marks to the above nominat children. The first tearmes of payment being and beginning at Martemas next in the instant year of God 1686 but (without) any hindrance or delay and with the ordinarie anuel rents of the sd. Priifill soume yearly and Duly during the not payment therof.* And I, the said Elizabeth McIntoshe, doth herby bind and oblidge my self to reiterat and renewe thir payts. by the sight of men of Lawe and judgment aye and while the same sall be found good valie and sufficient. And for the more securitie I am content and assent thire pnts. may be insert in any judicatorie books of this natione or Shireff-dom of Aberdeen ther to hold the strenth of ane judiciall decret that therof horning and poynding and other effects may pass one ane singill changing of term dayes alenarlie and to that effect constitute

Our prutors. In witnes wherof thir pfts are subscribed with my hand at Invercald the eight day of January. Jai vi. and Eightie five years Before Witness Charles Farqrsonne of Monaltrie and Mr. William Robertson, Minister at Crathie, wreater and witnes therof day and place aforesaid, and Mr. John Forbes, Sonne, lawfull sonn, to Edom Forbes laity utor (tutor?) of Bruxs witness to thir presents

Farqrsonne, witnes

Mr. John Forbes, witnes

William Robertson, wreater and witnes."

Elisabeth McIntoshe.

C. Farquharson of Monaltrie was the son and successor of Donald Og Farquharson of the Montrose campaign—*v. Spalding*. He was the last of the first Monaltrie family of that name. The second Farquharson family was founded by Alexander, third son of Elizabeth McIntosh, who purchased the estate from this Charles in 1702. Alexander was the father of Francis—"the Baron Ban" of the '45.

"Mr. William Robertson, Minister at Crathie wreater and witnes" of the above document, exhibits a more creditable acquaintance with

legal forms than he afterwards shows in the discharge of his ministerial duties. His record bears that, translated from Laggan—the country of the McIntoshes—in 1669, he was “deposed, 3d Augt. 1699, for gross and supine negligence in preaching, catechising, administering of the Lord’s Supper, visiting families &c.” The connections his family formed were also not of the most law-abiding character.—*v. Scott’s Fasti in loco.*

The intimacy which from the beginning of their intercourse had subsisted between the widowed lady and the governor of her family, gradually ripened into affection, and ultimately resulted in their marriage. We find no record of a marriage contract, nor even of the time or place where the nuptials were solemnized; but there is no doubt the ceremony took place sometime in the year 1690 and probably at Invercauld, where the married couple continued to reside till the young Laird came of age in 1693.

As in the case of the marriage of the widow of Robert III., so here, but to a far greater extent, many claims had to be readjusted and much count and reckoning regarding intrusions with the estate during the long minority had to be made. In the absence of a marriage contract, the following document explains how some of these matters were settled, while it affords illustration of the impecunious condition of the numerous small proprietors of the district, and of the shifts to which they had recourse in order to tide over their difficulties:—

“WILLIAM and MARY By the Grace of God King and Queen of Great Britain &c.

“Forasmuch as it is humbly meaned and shewen to us be our Lovit Arthur Forbes of Brux that where Mr. John Forbes in Invercauld Be his assignation and translation of the date 30th day of Jany. 1691 years, MENTIONING that he as having right to the sommes of money after speed. assigned to him be Elizabeth McIntosh relict of the deceast Alexander Farqrsone of Invercauld, now his spouse, Conforme to her assignation subtt. be her of the date 8th day of September 1685 years for the causes therin sett down and corroborating the sd. Mr. John Forbes his right which formerly he had and his jure mariti being with her own uncompelled consent did make and constitute him his airs &c. her lawfull undoubted and irrevocable cessioners &c. In and to the sommes of money therby assigned and herefter mentioned whilk are as yet resting unpaid of the samen sommes contained in the assignatione befor written, as the sd. assignatione of the date forsd. more fully bears. And that Seeing the

said Complainer had really and with effect advanced, payed, and delivered to him ane certane considerable soume of money for granting of the forsd. Assignatione and Translation to the full worth and value of the soumes of money therby and herefter transferred and disponed, THEREFORE the said Mr. John Forbes sold, assigned, transferred and disponed from him his airs &c. To and In favours of the sd. Complainer his airs &c. All and hail. The soumes of money prinlls @ rents and failzies &c. sett down resting to him be the persons under written viz :—The soume of Three Hundreth merks scots money resting to him as assigney forsd be Lauchlan McIntosh of Aberarder conforme to his band granted thereupon to the sd. Elizabeth McIntosh his said spouse of the date 3rd day of September 1683 years ; And in and to the soume of ane Hundreth puns money forsd resting to him be Robert Mchardie of Crathie conforme to his band granted to his said spouse of the date 16th day of March 1685 years ; Item the soume of fourscore puns money forsaid resting to him as assigney forsd. be Duncan Shaw sometime in Crathienerd now in Glenclunie be virtue of his band granted to his cedent thereupon of the date 6th Sepr. payable at Mertimes 1684 years. Item, The soume of two hundreth Merks resting to him as having right in maner forsd. be Charles Farqrsone of Balmorell conforme to his band granted to the sd. Mr. John his spouse of the date 25th October 1683 years. Item, The soume of twenty merks resting to him be John McDonald in CandieCraig as priill and John Grant in Milnetoun of Invercauld as caur. for him to conforme to their band granted thereupon Dated the 29th day of October 1683 years. Item, The soume of Ane Thousand merks money forsaid resting to him as assigney forsd be Duncan McIntosh in Ledenhendrie and Lauchlan McIntosh tutor of Dilumgre, his brother german, as priills and John Robertson of Easter Straloch their caur conforme to their band granted thereupon the 14th day of Novr. 1687 years. Item, the soume of Two hundreth merks resting to him as assigney forsd. be Francis Gardyne of Midstrath conform to bond granted thereupon to his said Spouse Dated 24th Januarie 1684 years. Item. the soume of Forty puns money forsd. resting to him as assigney by John Farqrsone of Old Lairge conforme to band granted to his said spouse thereupon of the date of the 1st day of July 1682 years, And the soume of Two hundreth puns money forsd resting to him as having the fore mentioned right be John Farqrsone of Invener conforme to his band granted thereupon to him and his sd. spouse in liferent or to the longest liver of them two, and after their deceases, to the airs procreat or to be procreat betwixt them, whilke failzieing, to the sd. Mr. John his nearest aires or assigneys whatsoever whilk band is Dated The . . . day . . . 1600 . . . years. And furer the sd. Mr. John Forbes made and constitut the sd. Complr his cessioner and assigney In and to the soume of Ane Thousand Merks money resting to him be Sir Lauchlan McIntosh of Torchestell be virtue of his band granted to his sd. spouse thereupon," &c.

In the Poll Book (1696) mention is made of several McIntoshes in good positions on the Invercauld property in Aberarder, but none of the name of Lauchlan. It is therefore probable that this person (whose position in the clan has not been ascertained), was the owner of the estate of Aberarder in the heart of the McIntosh country, Inverness-shire.

Lauchlan McIntosh of Torchestell (Torcastle), last noted in the above document, was a brother of the Lady of Invercauld. She had been kind to her clan, but was no less a great benefactor to the district during the long period of twelve years she had had the administration of the Invercauld estates, as is evidenced by the Session Records of the parish.

The McHardies of Crathie and Crathienard were a wild and extravagant race. They were allied by inter-marriages with the Stewarts of Aucholzie, and both occasionally gave much trouble to their neighbours, as is frequently apparent in these papers. The Shaws, who were associated with them, were of the same character.

"Charles Farqrsone of Balmorell" was the second son of William of Inverey by his second wife, Anne Gordon, daughter of Abergeldie, who brought the estate into the Farquharson family, it having been up to that date part of the Abergeldie property. Charles, dying without issue, Balmoral passed to his cousin, James, second son of John, second son of James first of Inverey. In this family it continued till purchased by the Earl of Fife.

Nothing is known of John McDonald of CandieCraig, or of his caytioner, John Grant in Milnetoun of Invercauld. Neither have a place in the Poll Book—a few years later. They had probably succumbed to their circumstances.

"Duncan McIntosh in (not of) Ledenhendrie and his parteners and security in a bond for Ane Thousand merks" were Perthshire gentlemen.

"Francis Gardyne of Midstrath" was a considerable proprietor in the parish of Birse. His connection with the Invercauld family, so far as can be traced, was through the Finzean branch.

"John Farqrsone of Old Lairge" (Allargue) was the eldest son of Robert, who was the founder of the family and the third son of Finla, the founder of the Auchriachan family and the youngest son of Finla Mor. Representatives of the house of Allargue are still numerous, one of whom

is now in possession of their ancient inheritance. "Old Lairge" is a corruption of Ait Larig (the Burn of the Pass) which correctly describes the locality.

"John Farquharsone of Inverier" is unknown.

"Sir Lauchlan McIntosh of Torchestell" was the father of Elizabeth, Lady Invercauld; now (1691) the wife of Mr. John Forbes. From another document it appears that McIntosh took an active part in the administration of the property during the widowhood of his daughter, or at least the earlier part of it.

It would almost seem that about this period whenever the smaller proprietors or others found themselves in pecuniary straits, they flocked to Invercauld with bills or bonds in their hands, and, from the number of acceptances recorded, it would appear few were sent away empty.

It was in reference to some of these matters that the Kirk Session of the parish of Kildrummy received an injunction from the civil courts "to take the depositions on oath of Mr. John Forbes and Elizabeth McIntosh, his spouse." They accordingly appeared for that purpose, and their depositions are duly recorded in the report supplied by the Kirk Session.

Before then (1696) Mr. Forbes and his wife had, on the coming of age of her eldest son, William, in 1693, removed from Invercauld and taken up their residence on his father's holding on the estate of Brux, in the parish of Kildrummy, where in all probability she soon after died, as her name does not again appear along with her husband's in any of several cases in which he was afterwards called upon to give evidence in regard to Invercauld estate matters.

One of the earliest troubles that beset the widowed Lady of Invercauld and her curators arose out of the Inverey raid on Glenmuick, so often referred to in these Papers, which about this time had assumed the proportions of a feud between the Farquharsons and Gordons:—

A CLAN FEUD.

For some years previous to 1666 there had been considerable disputes among the Highland lairds regarding marches, privileges, servitudes and rights of property, which were not composed without leaving behind them little rancorous feeling. But in that year matters came to a crisis

by the outbreak of Inverey against the Gordons of Glenmuick. The arm of the civil law was invoked by the friends of the slaughtered "barrone" and his kinsmen. But it was weak and not much respected. Such as it was, Inverey thought it prudent to evade it, took into hiding, and disobeyed the summons to stand his trial in Edinburgh. He was advised, as has been noticed, to raise a counter claim on the Gordons for the slaughter of his followers. Whether he ever actually put forward such a claim there is no evidence among these papers. What is more certain is that he took the law into his own hands and retaliated by cattle-lifting and other depredations for the troubles he suffered at the hands of the officers of the law set on at the instigation of the Gordons. These reprisals gave rise to a bitter clān feud, in which the Farquharsons, and their allies the McIntoshes, banded themselves together to oppose "all and sundrie, their enemies." This was the age of these "Bands" of alliance that became almost universal among the Highland clans.

Alexander Gordon of Abergeldie, who was Commissioner for the Earl of Huntly, had been much harassed by the combination formed against him. He found himself under the necessity of applying to the Lords of Council for a decret of "Lawboroughs" against them. This was granted; and the number of persons against whom it was directed is a melancholy proof of the lawlessness of the country at that time:—

"Apud Edinburgum vigesimo Septimo, Decembris anno
Duy millesimo sexentesimo octogesimo secundo.

"The whilk day sufficient caution . . . for Lawborrows asked was found in the books of Counsel and Sessione ffor Elizabeth M'intosh, Ladie Invercauld, Mr. John Forbes' . . .

"Charles Farqyson of Monaltrie, Arthur . . . there, . . . glassie; Alaster Wat in the Coule; John Taylour there; John San . . . there; John Corrie in Prestchoill; Alaster Taylour there; Robert Gregor, (?) there; Patrick Nairnes in Lyonniog; Wm. Nairn, there; Wm. M'intosh (?) . . . Nairne, there; . . . in the Coggach; John Grant, there; Wm. Murray, there; John McRobie in Dovinboille; Donald McHardie, there;

1 It is not clear why the Lady of Invercauld and Mr. John Forbes should have been exempted from the law-borrows, nor what position Mr. Forbes then occupied in relation to the Invercauld family. Two Facts some years afterwards transpire that show the Lady and her family were not on a very friendly footing: She married Mr. Forbes for her 2nd husband, and her son, John Farquharson, by her former marriage, had to raise an action at law against her claims on the Invercauld estate, the particulars of which are contained in these papers.

Forbes in Cariehoull; John Gressan, in Torryhoill (Tomachyrellyoin); John Forbes, there; Alister Forbes off Glennochtie; John Forbes, in Invernyty; Alister Forbes, there; James Forbes, there; Alister Wat, there; Alister Forbes, in Bellnabowdnack; John Gordon, there; Alister McRobie, Miller off the Mylne off Glencarvie; Arthur Kelles, there; Robert Gillanders, there; Alister Forbes, in the Knockley; Wm. Michie, there; Wm. Anderson, off Little Glowarly; Alister Mc . . . , there; Lachen Ferries . . . Michie, there; Robert Michie, in Loynmoir wricht there; Alister Rechtie, Corrybergie; John McConorkie, there; John Forbes, in Bircks; Alister Forbes, there; Duncan Andersone, of Canocraig; Alister Thomsone, there; Robert Andersone; Alister Gressich, in Simile East; Robt. Andersone; Robt. Forbes there; Wm. McHardie, in Corriebroich; Wm. Summer, there; Patrick Barrie, there; Alester McHardie; John Forbes off Invernochtie; Robt. Moir in Runnstochie; John Moir, there; Wm. Moir, there; Alister Wat, in Aldhie; Wm. McLachen, there; Wm. McLachen, there; Wm. Reid, there; Alexander McLachen, there; Alester McLachen in Tornagaven; Wm. Taylour, there; Wm. Gall, there; Alester McLachen, there; Alester McLachen, there; Alester McLachen, there; John Forbes in Ledmacoy; Wm. Taylour, there; Alester Alnach, there; James Cattanach in Goldarneb; Wm. Elphinstone . . . John Ross, there; John Dunbar, there; Alester Alnach, there; James Forbes off Calrachie; Arthur Forbes, there; Alester Gall; Alestr Forbes, there; John Forbes, of Culonnie; John Forbes, there; Wm. Gall, there; Alestr Gordone, there; Alstr. Dunbar, there; John Dunbar, there; David Dunbar, there; John Farqrsone, in Altomiebank; John Grant, there; James Gordone, there; James Simpson, there; John McHardie; John Wat, all there; David Dunbar; Elspet Andersone, there; John Michie in Castletoun; John Michie yor. there; Alan Tailour, there; Robt. Wat, there; Donald Farqrsone, in Dulisach; James Claser, there; Meyr. Wat, in Ardynesh; George Wat, there; John Wat, there; John Begg, there; Donald Farqrsone, Lubnuiv; John Farqrsone in Ordavie; James Farqrsone, there; Wm. Farqrsone, Dahach; Alister Tailour, in Meikle Corriequek; Robert Farqrsone, there; John Nairn, there; James McHardie, there; James Tailour, in Little Corrihoull; Wm. McHardie, there; Wm. McHardie yor, there; Alister McHardie, in Tornihawes; Patrick Nairne, there; John Wat, there; Donald Bane, there; John Allen, there; Wm. Nairne; John McHardie, in Culnayachen; Andrew Davidstone; Alister Farqrsone, Dalnabow; Robert Robertson there; . . . Nairn in the Boggach; John Grant, there; Wm. Marr, there; J . . . n McRobie, indweller there; Donald Ogyelvy there; Robert Alenach, there; John Mc . . . em, Glencarvie; Patrick Mchurish, in the . . . ; John Irvine, there; John Nairne, there; Wm. Nairne, there; John Taylour, there; Alaster McGregor, there; John Farqrsone, there; Alex. Wat, in Tamenessle; John Gowyr; Arthur

Angus Ross, there; Patrick McHardie, there; Alister Tailour, in Lymoch; Calam Michie, there; George Forbes off Skelater; Alister John, and Duncan Forbeses, there; John Browne, there; Alester Forbes in Lyenord; John Wat, there; Alester Forbes, there; James Hender, there; John Browne, there; John Farqrsone, in Dalhande; Robert Forbes, there; John Forbes, there; Alister McHardie, there; Alister (?) Forbes off Lynewine(?); Duncan Glass; Donald Glass, there; John Michie, there; Wm. Allendrech, there; Alester Forbes off Nevie (Newe?) Thomas Michie in Torrisheich; Alester Grash, there; Alexr. Grash, there; Alestr Kells, there; John Grash, there; John McRobie, there; Patrick McRobie, there; Robert McRobie in Ardochye; John McRobie; Alester Nairne, there; Patrick Dunbar, there; Shames Reach, in Ardochy, John Dunbar, there; John Reach, there; John Michie, there; Alester Gordone off Blslack; John Clerack in Calmyark; John Clearck yor, there; Thomas Ross, there; James Laurie, there; John Reach, there; John Reách in Chasendrie; John Michie, there; James Michie, there; Alister Laurie, there; Donald Shea, in Bogstoune;* John Ross, there; John Webster, there; John Röss, in Foagiemilne; Patrick Cout, in Chastletoune; Alester Grassich, there; Alester Reach, there; Patrick Bonach, there; George Bonach, there; John Stewart, there; John Gavin, there; John Grassich, there; Alester Grassich, there; Alester Grach, there; James Michie in Bromhill; James Michie, there; Alester Farqrsone, Tutor of Broughdargh; James Farqrsone off Nairn; John Farqrsone, off Reverney; John Farqrsone off Wastoune; Alester Farqrsone off Breymbie; John Farqrsone off Duchrie; James Farqrsone, their Tutor off Bruchderg; his brother germane, Wm. Farqrsone off Dalilsterlie; John Farqrsone off Seuchene . . . in Dalmonzie, Andrew Spaldene of Assenhillie; Paull Farqrsone off Rinnabrie; Barrone Reid; Alester Farqrsone off . . . Wm. Farqrsone, his sone; Alester McVoerich in Almaid; John McVoerich, in the Milntoune of Invercald; John McDonald in Kendacraig; Findlay Farqrsone, at the boat of . . . George Barrie in Baudaprig; James Camie, in Tantantlie; Wm. Farqrsone off Invercald and his Tutors and Curators¹; John McStavich, there; Thomas Birnie in Tornagarsh; John Cowie in Drummergat; John Farqrsone, in Monaltrie; John McAlester, Coick; Alester Dick; Mr. James Roy, in Monaltrie; Robt. Stooat, there; John McAirlie, there; Alester Bayn; James Stewart, there; and Alester Mcdermid, Maltameid. That Alexander Gordone of Aberyeldie shall be harmles and skaithles in his body, his

¹ William Farquharson of Invercauld was at this time a minor. His principal tutor and curator was his uncle, the Laird of McIntosh; and it was probably on this account that his name is included in the list. His father, Alexander, who died in 1681, left three sons, William, John, and Alexander. The first succeeded and died without issue in 1694; the second then succeeded, of whom much has to be recorded; and the third was, by purchase, the first of the 2nd family of Monaltrie.

wife, bairns, men, tenents, Servents, Cotters, shall be harmles and skaithles in their bodys, lands, heritages, tacks, steidings, rooms, possessions, cattell, goods and geir and byres belonging to them shall no wayes be troubled nor molested therein—All by the forenamed persons, nor by no others of their causing, sending, hounding out, conniving, receipt, assistance and be Vatchabil one whom they may stop and let directly and undirectly from the day of the charge given to them for that effect, nor in tyme coming, Otherwayes thyr (they are) by order of law and justice, ilk landed persone fornamd under the paine of ane thousand merks, and ilk unlandit under the paine of four hundred merks.

Extractum de libris actour, &c.,

John Oliphant."

It is noticeable that a very large number of the names in the above list are those of the Forbeses and their dependants in Strathdon, and Corgarff including also some Gordons resident there.

WILLIAM FARQUHARSON of Invercauld, eldest son and successor of Alexander, only survived for about a year after attaining his majority. It was, however, a year (1693-4) of considerable change in the property as will be seen by referring to the *Estate Papers* of that date. His personality is scarcely felt, most of the business having been transacted by agents in his name. The following relating to the settlement of family affairs are almost the only matters of any importance that require to be noticed:—

"REGRAT ASSIGNATIONE.

"MR. JOHN FORBES TO WM. FARQRSONE.

"ATT ABERDEEN the Sexteent day of December 1693 yeares IN PRESENCE of Andro Fraser of Kinmundie, Shirreffdeput of Aberdeen compered Mr. Alexr. Leslie, pror for the efter designed Mr. John Forbes and gave in the assignatione under-written desyring the same to be insert and registrat in the Shirreff-court books of Aberdeen TO have the strength of ane decreet that all executione needfull may be directed thereon in manner spect. therintill WHILK DESYRE the sd. Shirreffdeput thought reasonable, and therfor has ordainet and herby ordaines the sd. assignatione to be insert and regrat in the sd. books To have the strength of ane decreet that all executione needful may be directed theron in manner therein contained, Wherof the tenour follows: BE IT KEND to all men be thir presents ME, Mr. John Forbes in Invercauld forsomikle as Arthur Forbes of Brux be his bond and obligatione of retrocessione subscrybed with his hand on the dait, the twenty day of November 1693 yeares, band

and oblidged him his aires, exers and successors To have reponed and and retrocessed me, my aires and assyngneyes In and to ane disposition granted be me to him of myne and my spous's her lifrent right of the lands of Invercald upon the payment and satisfactions to him of such soumes of money as I rest him, and that he is mynyed for me Upon just count and reckoning. And seeing William Farqrsone of Invercald hath payed and delivered to me the equivalent of the soumes contained in the backbond above mentioned. Wherfor witt ye me to have made constitut and ordained and be the tenor heirof ffor me, my aires, exects. and successors makes and ordaines The sd. William Farqrsone, his aires, successors and assigneyes my very lawfull, undoubted and irrevocable cessioner and assigney In and to the sd. bond haill force and strength and effect therof with all that hath followed or may follow therupon. With full power to him and his forsd. to call and persue for the samen transactione, compone and agrie for the samen, grant acquittances and aud discharges therupon &c. In als full powers as I might have done the same myselff before the making heref. And seeing the sd. dispositione above rehearsed is legallie Intimat to the said William Farqrsone I oblidge me and my forsd. to acquyt, warrand, and defend the sd. William Farqrsone and his above rehearsed ffrom all coast skaith and damage they may sustaine by the same, and that the sd. William Farqrsone shall be frie, and it shall be coustome to him to retain in his own hands such soumes of money as he is oblidged to paye me and my spouse yearly aye and while the haill contents of the said back bond be performed to me, and he therby fried from damage which he may incurr herby Constuteing regratione herof in any judicatorie court ~~books~~ compitent within this kingdome ther to have the strength of ane decret that all executione needfull may be directed theron. On ane single charge of sex dayes—constitut Mr. Alexr. Leslie, Advocat, my prôx. In witnes wherof (written be Charles Farqrsone, Notar publict) thir presents are subst. with my hand at Invercald the fifteenth day of December 1693 years Befor witnes's Mr. Arthur Farqrsone of Cults, James Thomsone notar publict, and the sd. Charles wretor herof SIC SUBR. Mr. Jo. Forbes, Mr. A. Farqrsone witnes, James Thomsone witnes, Ch. Farqrsone witnes. Extractum per me.

Tho. hay."

A parcel of old papers, docketted, "Inventor of papers belonging to William Farquharson of Invercauld with John Farquharson of Fortrie (and Rivernie), conform to Invercald's letter decret yr. anent for Mr. Alexr. Thomson," contains some items of information regarding the family history not noticed elsewhere. They are briefly these:—

John Farquharson of Fortrie, the custodier of these documents, is

"retour tutor to Invercauld, his brother and sisters"—an evident *lapsus penne* for brothers and sister. The inventory is dated 25th Octr., 1693.

John of Fortrie was the son of Finlay of Rivernie, who was the son of Robert of Rivernie, who was the eldest son of Finla Mor by his second wife and who succeeded his father in Invercauld in 1547.

The parcel contains also "the contract of marriage between Robert Farquharson (III.) of Invercauld and Anna Ogilvie, his spouse"; but of this marriage there was no issue; and it has already been noticed at length.

It also contains "Precept of Mr. Robert Farquharson against Elizabeth McIntosh, Lady Invercauld, and Mr. John Forbes, her husband, for the moveables and plenishing of Invercauld with hurning and caption thereon." Mr. Robert Farquharson, minister of Kennethmont, succeeded his kinsman, John of Rivernie, as tutor of Invercauld, and instituted the above process against the lady and her second husband, whose marriage seems to have given much offence to her family, and their curators.

As an instance of the proceedings instituted by them, we have the following:—

"Att Invercauld 15th Decr. 1693, in presence of Mr. Arthur Farquharson (of Coldrach ?) bailye of the royalty of Kildrummie sitting in judgement in Court lawfully fenced; compeared Elizabeth McIntosh relict of the deceast Alexander Farquharson, now spouse to Mester John Forbes, &c.

"She now surrendered all right that she had in dowery to the Davoch and half of Invercauld and all right which she had by matremonial contract, in favour of William Farquson his heirs &c., and pledges to give the legal Writs whenever the said Wm. Farquharson asked and took instruments.

"Signed by

Elizabeth McIntosh, John Forbes and William Farquharson."

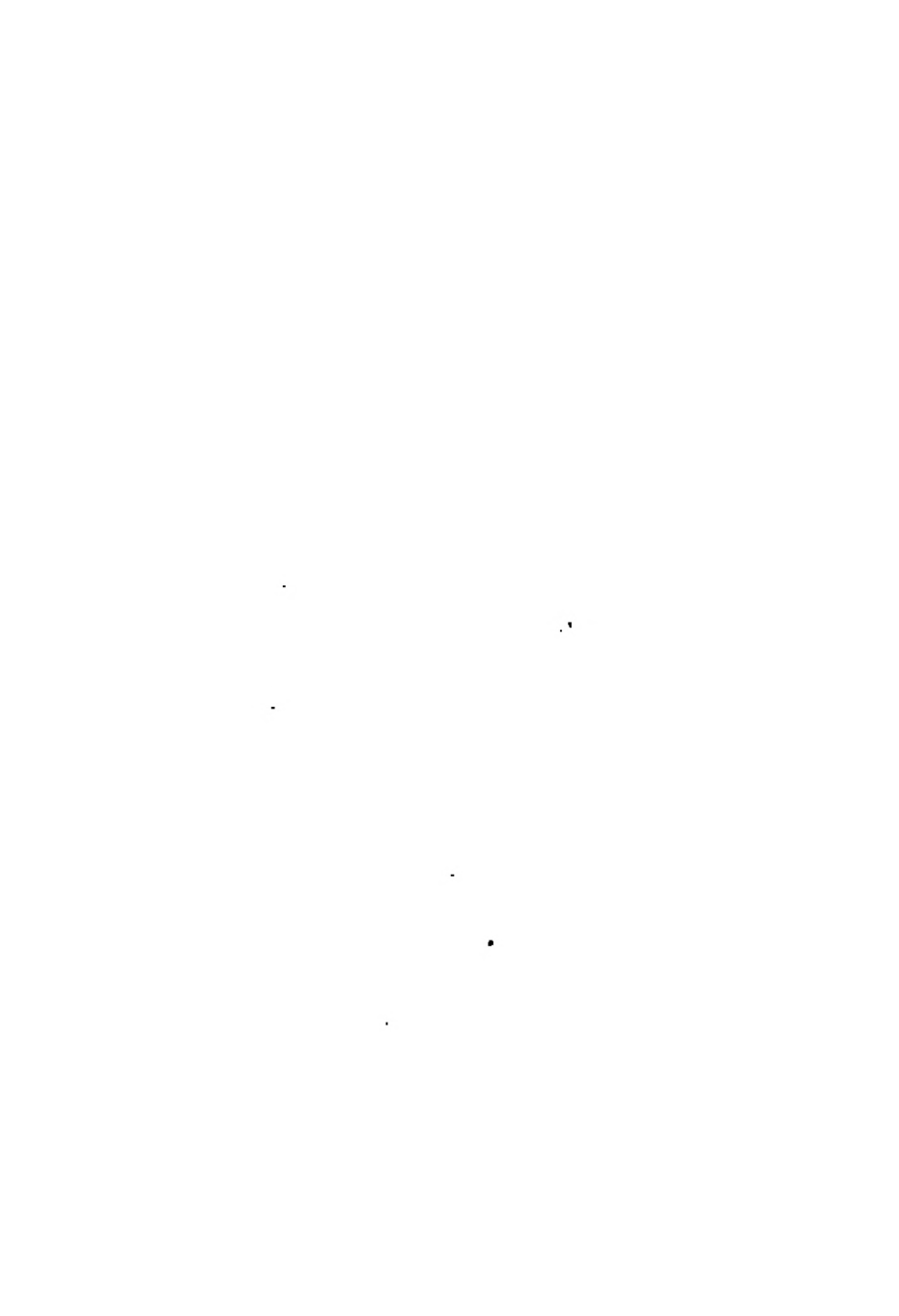
JOHN FARQUHARSON OF INVERCAULD.

This remarkable man was not then customary for even the nobility in Scotland to register or a record of the birth of their children except occasionally of that of the eldest son and heir; and John Farquharson was not the eldest son or apparent heir of his late father, Alexander. I ve, in consequence, no record of the exact date of his birth; but know from other evidence that it must have been in either of t years. He was therefore in his 8th or 9th year at the time of his er's death. What has been discovered of his upbringing and education already narrated. He seems to have been, even in his youth who had a mind and will of his own.

Besides Invercauld, the family had at that time two other residences in Aberdeenshire—Wardhouse in the Garioch, and Cloak in the Parish of Lumphanan. It would seem that when quite a young man, John frequently visited the latter place, and while there, made the acquaintance of the neighbouring family of Sir Alexander Burnett of Craigmyle which consisted of three daughters, the eldest, Isabella, being about his own age. All the circumstances of their subsequent marriage have not come to light; but it would appear to have been approved on both sides; for there was a regular contract of marriage duly drawn up and subscribed as will afterwards appear, the only legal irregularity being that the contracting parties were both minors and both fatherless, and so far orphans. John did not bring his young wife to Invercauld where there was a large household already, but either set up house for himself at Cloak, or, what is more probable, resided with the Burnett family at Craigmyle, where his presence would be very helpful to the widowed Lady and her daughters.

At his elder brother's decease in 1694, he became heir to the whole estate, and, being now come of age, he entered upon possession and removed to Invercauld.

One of the first things to engage his attention was to ascertain the legal validity of his marriage contract, the parties to it being both minors; and accordingly a case was prepared for the opinion of Counsel. It is headed:—





Painted by Sir John Ferguharson

John Ferguharson (II) of Invercauld.

Born 16/2/1710 - Died 1770



"INFORMATION FOR THE LAIRD OF INVERCAULD AND ISOBELL BURNETT DAUGHT TO THE DECEASED SIR ALEXR. BURNETT OF CRAIG-MYLE, HIS SPOUSE"

This document sets forth that,

"The said Isobell Burnett in her Contract of Marriage with Invercauld having disposed all Lands and effects to which she might succeed as heir to her father, in favour of her husband and she being minor, queritur whether the Disposition will stand valid or be reducable upon minority, and notwithstanding that she has yet a suitable liferent provision of 200: lib. Stirling."

The opinion of counsel is rather a long document, but the following quotation will suffice as answer to the above query:—

"A minor may dispose by Contract of Marriage, and, if she marry suitable and receives competent provision in favour of herself and the heirs of the marriage, she or her heirs will not be injured. And considering Invercauld's quality and fortune and the provision to herself and children, it is not thought that the heirs would quarrel (challenge) the Disposition of the heritage writ in the Contract of Marriage."

Counsel then suggests certain precautions which he thinks Invercauld would do well to adopt in case of any dispute arising.

The estate of Craigmyle was considerable. In fact at that time it was the largest in the Parish of Kincardine O'Neil. It is thus entered in the Poll Book, compiled just at this date:—

"The waluatione of the LANDS of CRAIGMILL, in the said Pariochin, is £620 0 0.

"Imprimis, Dame Nicolas Young, relict of Sir Alexander Burnett of Craigmill, her waluatione of the said lands being above six hundred pounds, is liable for the third part of her husband's poll (which, if alive, would have been £24), and 6s, is £8 6 0.

"Item, Anna and Margaret Burnets, her daughters *in familia*, their Poll is £0 12 0.

"Item, the said Dame Nicolas Young, as possessor of the Mayns, her proportione of the valued rent is £1 0 0."

The widow was assessed on only a third part (£620) of the whole valued rental, which would thus amount to £1860, and being above £1000, would have been chargeable with a tax of £24, as stated in the report.

Isabella Burnett, now Mrs. Farquharson, is assessed with her husband at Invercauld, where the entry bears :—

"The LAIRD of INVERCAULD, as greatest heretor in the said pariochin of Kindrochet (Braemar), his valuation is £333 6 8.

"The valuation of the Laird of Invercauld in the pariochin and elsewhere (his lands) being above one thousand pound, is liable for £24 of poll, and the general poll of 6s, both is £24 6 0.

"Item, His Lady, of general poll is 0 6 0.

"Item, His brother, Alexandes Farquharson, his poll is 3 6 0."

From the above entry it would seem that John Farquharson of Invercauld had no family alive at this time. Burke (*Landed Gentry*) says, "He had several children (of this marriage) who all died young."

Another case submitted to counsel for information was this :—

"The Laird of McIntosh, having been Tutor to the deceast Invercauld, and having found two Bonds due by himself in the Charter Chest and opened and took out the same, alledging that Invercauld (Alexander) promised never to resait (receive?) the same.—

Queritur: What action may be competent agt McIntosh for recoverie of the same writs in these two Courts?"

The answer is very long and not very explicit. It resolves itself mostly into this: that the Court might refer the matter of the promise to the oath of the Laird of McIntosh.

McIntosh was the uncle and one of the guardians of the deceased William Farquharson of Invercauld who died in 1694, his sister, Elizabeth, having married Mr. Farquharson, the father by her of William and John who succeeded his brother.

When John Farquharson succeeded to the Estate of Invercauld and took up his residence in the family mansion, the management of the Craigmyle property devolved upon the dowager Lady Burnett and her curators, who were her brother, Robert Young of Auldbar and Charles Maitland of Pittrichie. They do not seem to have been conducting matters in a manner quite satisfactory to Invercauld, who had to raise several actions at law against their proceedings; and sometimes a correspondence of a very formal nature passed between them. The following will indicate its character :—

"Auldbarr 2. Oct.
1706.

"Sr.

I have yours deated the last of Sepr last deseiring a metting to adgust differences betwixt you and I, me mind in my last I told you, that I could nott without Pittrichie who is equallie concerned in Craigmyl's debts, and the pleace of mietting most be Abd., because the accompts lye there and therfor most be before the tyme you account. So, as I wrote in my last, I can make no appointment without him. But if ye ar not pleased to wait till his dyett can serve, ye ar fullie excused to pershue as accords. As to what ye wreatt anent my bonds of relieff that ye ar not secured without *your* warrandice I can write now for my sons corroborating it is materialie done. The said bonds came yesterday to his wyf and he is not at home at present and for yr. using me certione for the bill you may uss it and Let my tredett take its hazard. however ther is no debt of Craigmyles yt. you will name but ye shall be saved against it and what securitie my Laweers think fitt for yr. securitie shall not be delayed.

By, Sr., yr. affectionat and humble and true Servt.,

R. Younge.

"Sr. The assignation I have taken to Craigmyles debts which amounts to mor than the half ar all in my own name so yt my obliegment to your bill will always meet them *Adene.*

"My Wyf and I unites our best service to my Sister,¹ your self and Ladie F."

Pittrichie and Auldbarr find it necessary to admit Invercauld's claim on certain subjects and the former grants him the following obligation:—

"I, Sir Charles Maitland of Pittrichie knight baronet bind and oblidge me my airs and successors to make just compt, reckoning and payment to John Farquharstone of Invercauld his ares and assigneyes of all intromissione had or to be had be me with the marills and dueties of the lands and heretages of the deceast Sir Alexr. Burnet of Craigmyll, Cropt and year of God 1696 yeares falling and appertaining to the sd. John Farquharstone either as husband to Isobell Burnet, oldest daughter to the sd. umqll Sir Alexr. Burnet, or as exer and universall legator to umqll Anna Burnet second daughter to the sd. umqll Sir Alexr. Burnet—And that betwixt the dait hereof and the terme of Whitsonday next to come Conserving thir yeares rentes be registrat in any register competent To have the strength of ane decreit. That all letters and enells needfull may pass hereon in forme as efferes and constitutes

"My prörs and in witnes whereof, Writtene be George Paton, servitor to Mr. Alexr. Thomsone, toune clerk of Abd., I have subscribed

¹ Not Lady Burnet, his sister, but his niece, a term not then in use,

thir presents with my hand at Aberdeen the second day of December 1697 yeares Befor thir Witness—John Farquharson of Westounne and the sd. Mr. Alexr. Thomsone and George Paton.

Ch. Maitland.

J. Farqrsone, Witnes,
Alex. Thomsone, Witnes,
Geo. Paton, Witnes."

The Burnetts of Craigmyle were closely connected with many of the leading families in the counties of Aberdeen, Forfar, and the Mearns.

On the death of Sir Alexr. Young of Auldbar, his Lady's brother, was appointed trustee on the Estate and adviser of the family. After Anna's death (1696), Margaret, the only remaining unmarried daughter, went to live with her sister, Mrs. Farquharson, at Invercauld.

The charges to which Invercauld at this time was put in defending the rights of his wife and sister-in-law were very heavy, hence the following:—

"OBLEIDGMENT: MARGARET BURNET To L. INVERCALD Anent his expenses att Edn."

"I Margaret Burnet, youngest daughter to the deceast Sir Alexander Burnet of Craigmile, with consent of my curators underscribing being. In caice John Farqrsone of Invercauld be obleidged to goe to Edbh. in prosepte or defence of any actions prosequetewed or to be prosequetewed anent the estate of Craigmile and that he be desyred to doe the same be Mr. Robert Forbes of Learnie, Advocat, or Mr. Arthur Forbes, Writter to the Signet, his brother, I bind and obleidge me to pay to John Farqrsone foresd. the halfe of all expenses personall or other-ways which he shall happene to deburs theranent. In witnes qherof (written be John Clark, servitor to Mr. Alexander Thomsone, toune Clerk of Abd.). I and my sd. curators have putt their presents with our hands at Aberdein the twentie-nynth day of Novr. ja/ vi and nyntie nyne years (1699) Befor thir Witnesses the Subs., Mr. Alexr. Thomsone and John Clark.

Margaret Burnet.

Al. Thomsone witnes,
J. Clark witness.

R. Conner consents
W. Forbes consents
A. Barclay consents."

Almost from the date of John Farquharson's marriage with Isabella Burnett there had been elements of discord in regard to the rights of the

several heirs portioners of the estate of the late Sir Alexander Burnett of Craigmyle. These increased as time wore on and new complications arose. The following "Copie of the Charge to be given publicly and at the Mercat Croces" will show how matters stood in 1708:—

"I, . . . Messenger, By virtue of our &c letters of Inhibition, whereof the @ written is ane just double, raised at the instance of Isobell Burnet spouse to John Farqrsone of Invercauld and the said John Farquharson, Complainers therein speitt. In her majesty's name and authority, *Inhibite* and discharge you, Robert Young of Auldbar^r that ye nowayes sell, annalzie, wodset, dispone, resigne, delicpedat, nor put away any of your lands, heritages, tenents @ rents, lif-rents, revers-rents, milnes, woods, fishings, tacks, steedings, teynds, roomes nor other property whatsomever, pertaining or belonging to you nor maks no private nor publick alienations, dispositions, wodsets, assignations, resignations, renunciations, nor other rights or securities thereof nor of any pairt of the same to no persone or persones, nor Contract nor take on debts, nor grant bonds, nor other rights, nor servitudes therefore, nor do no other fact or deed directly or indirectly in any sort whereby the rights of the lands and others stenting, appertaining or belonging to you may be any-ways straited, apprysd from you or be denuded thereof any manner of way In defraud, hurt, and prejudice of the said Complainers annent the implement and fulfilling to them of the two regrat bonds of whose prinll and payment making to them of the liquidate penalties as written therein contained conform to the will of the prinell letters of Inhibition in all poynts which are dated at Edgh. the 26th day of October and of her māties Reign the seventh yeirs 1708. This I do upon the . . . day of . . . 1708. In presence of . . . Ex deliberatione dom um Concilij."

Appended to this document, but in a different hand, there is a curious note of instruction probably intended for after copyists. It runs thus:—

"Before writeing the above copy cause double the letters of the Inhibition verbatim till the Will, and then say—Our Will is &c. ; According to Justice as ye will answer &c. ; given under our Signet At Edgr. the twenty-sixth day of October and of our reign the seventh year, 1708. Ex deliberatione Domrum Councilii. In Subtur Jo: Elphinston writ. be Sam: Tulloch his servant signet."

Then in another hand more like the first :

"Then on the same paper, add—The forsaid Copie."

I Robert Young of Auldbar was a stout Jacobite and took a prominent part in Mar's rebellion which he was one of the first to join. He was present at the meeting at Aboyne when the rising was finally resolved upon, and at all the Councils of War that were held till the army marched south.

"INHIBITION

BURNET &c. Agst. YOUNG."

This is an action before the Court of Session at the instance of Isabella Burnett and her husband, John Farquharson of Invercauld, and her sister, Margaret Burnett, as heirs of line, and of James Burnet of Monboddo, as heir of tailzie, to restrain Robert Young of Auldbar from selling, alienating, or otherwise injuring the interests of the complainers in the barony of Craigmyle and the lands thereto pertaining which he was proceeding to do in virtue of a bond he held over the estate.

The document, which contains the deliverance of the Court in favour of the petitioners, is neatly written on a roll 56 inches long by a foot in breadth; but is not otherwise of importance than as showing the descent and family connections of the Burnetts of Craigmyle, and the extent of their estates.

It sets forth that,

"The said Isobell Burnett, one of the three daughters, and heirs portioners, served and retoured to the deceast Sir Alexander Burnet of Craigmyle, her father, and to the deceased Master Alexander Burnet of Craigmyle, her grandfather, and to the deceast James Burnet of Craigmyle her great grandfather, and also one of the two heirs portioners served and retoured to the deceast Anna Burnet her sister german heritable proprietors of the half of the lands, Baronies, milnes &c. with the special advice and consent of the said John Farquharson of Invercauld, her husband, did dispone of the lands lying in the parishes of Kern, Kinnedar, Kincardine O'Neil, Strauchan and Banchory Ternan." &c

The Laird of Auldbar was the uncle of the young ladies of Craigmyle. In the Poll Book, as already stated, their mother is entered as "Dame Nicolas Young, relict of Sir Alexander Burnett of Craigmill, liable for a third part of her husband's poll," and Anna and Margaret, her daughters, are stated as living in family with her. This was twelve years before the date of the above action.

"JOHN FARQN. AND HIS SPOUSE, ISOBEL BURNET."

A summons is served at the instance of Robert Farqr. in Gleneskies on "Dame Isobell Burnet, spous to John Farquharson of Invercauld and the said John Farquharson, her husband, for their interest to compeir

before the Lords of Counsell and Session at Edinburgh to answer at the instance of said persewer in the action and cause of declarator of non-entrie lybelled."

"Served on 12th day of May 1709."

The above shows how troublesome and protracted had been the legal settlement of the various claims on the estate of Craigmyle.

A somewhat long document, headed:—

"Invercauld's Account
To
Mr. Arthur Forbes,"

contains items for legal charges and estate management—among others:—

"for letting Lady Invercauld's Cloacks, £0 13 4 •

Summa is £156 6 4

"Abd. May 31, 1697.

"Received the hail payt. of the Compt above written and grants discharges thereof and all preceding Accompts

A. Forbes."

Lady Invercauld was Isabella Burnett, wife of John Farquharson. It is not clear to the editor what *letting the Lady's Cloacks* means; perhaps *letting* is a mistake for *setting*.

A. Forbes seems to have been law agent for Invercauld in Aberdeen.

A FORM OF TACK.

The document from which the following extracts are taken relates to a Decreet obtained by John Farquharson of Invercauld from the Court of Session, and is of some historic value as specifying some customs now long out of use.

"WILLIAM. Be the grace of God King of &c. FOR AS MUCH AS By Contract made and past betwixt John Farquharson of Invercald, heritable proprietor of the Lands, Baronies, and others after writ on the one part, and George Gordon, Litster, Burgess of Aberdeen on the other part, of the date 15th February 1697, the said George Gordon bound and obliged him his heirs &c. to have paid and delivered to the said John Farquharson his heirs &c. during the period of nine years to and from the year 1696 to the year Ane Thousand Seven Hundred and Six. At least desiring the finding of the said contract the sum of money, quantities of ait victul, and others after writ in manner and att the terms of payment after mentioned Viz the soumes of 4000 merks &c. &c. &c.

"Two chalders and foure bolls good and sufficient ferme meall and two chalders foure bolls good and sufficient bear both of the growth of the Lands and Baronies of Kinaldie and Melgium and of the lands of Coldstane mentioned within and lying &c.

"To be paid to the minister of Coldstone. As also to the said minister of Coldstone yearly the half vicarage arising from the payment of the Lands pertaining to the bishopric of Aberdeen and payable to him at the terms after mentioned, &c.

"The said George Gordon bound and obliged him his heirs foresaid to cause, transport and convey the same upon his own horses, sacks charges and expences to Invercauld or Aberdeen yearly in the option of the said John Farquharson and to deliver the same to him att any of the said Lands or Places he shall desire, and sicklike the said George Gordon bound and obliged him and his foresaids to warrant—free, absolve and skaithless keep the said John Farquharson and his foresaids during the said nyne years speace of any back ticket or obligtment to John Gordon in Daugh anent the dutie of the said soume, and likewise the said George Gordon band and obliged him and his foresaids that he should no ways sell any tacks of the said Land and Baronies or any part thereof to no person or persons, but such as should make their actuall residence and dwelling there upon, and that he should not sell any tacks with dimunition of their present rentall, And also the said George Gordon band and obliged him and his fors'ds to leave the hail Lands, Baronnies and others sufficiently tenenstead at the expyryng of the s'd Contract, and the hale rents thereof to be payable be the tenents of the same in two pairts vituall and third pairt money, except the Lands of Boggstone, Langhaugh, Ballingstaine, Pentelme, Badnagach, Baig, and Belgrenie¹ which were to remain Conforme to the then present rentall; as also the s'd George Gordon band and obliged him and his fors'ds to leave yeards and gardens of pittallochie, dyks thereof, tree and planting within and about the same in als good caice and condition att the expyryng of the s'd Contract as the same should be appretial to him att his entrie therto, and in regard that James fforbes in Kinaldie² have some ease of the rent of the rounge then possessed be him and his subtennents. Therefor in caice after the expyryng of his tack the s'd John ffquharson should get the rent thereof raised to any more duty, either victuall or money, than was

¹ These were all hill or grazing farms, and hence not subject to the same regulations as those that were mainly agricultural.

² Forbes was what was then called "a kindly (kinly) tenant," i.e., one near of kin to the proprietor, which he was to the former proprietor, H. Forbes now of Boyndlie. Such tenants held their tacks on easy terms, which doubtless was the reason why Invercauld, the new proprietor, expected a rise of rent when the lease expired.

The entry in the Poll Book (1696) is as follows:—"James Forbes, tenant in Kinaldie, he classing himself as an gentleman is not liable to the proportion of his masters valuation, his poll is £3, and the general poll of 6s, both is . . . £3 6s.

contained in his then putt rental thereof. Then and in that caice the said George Gordon band and obliged him and his foresaids to have made Count rekoning and payment yearly to the said John farquharson and his fores'ds during the standing of the s'd Contract of the said superplurs highted rent of the s'd James Fforbes possession compting the highted victuall at seven merks the boll yearly and in like [manner] resting and unpayed with the like money and victuall duties in time coming during the foresaid nyne yeirs space. And to implement and fulfill the haill the other obligements and clauses of the forsaid regnat Contract and likeways to meak Payment to the said John Farquharson of the said soume off one thousand pundis scots money of liquidate expenss indured through falizie after the forme and tenor of the said registrate Contract in all points within the speaces following, viz—within ten days if he beis within this our realme and if fourth thereof within six days next after the Charge underlye pain of Rebellion and putting of him to our horn gin [if] he failzie the said ten dayes being bypast that in Contenant thereafter ye denunce the disobyer our Rebell and put him therto and ordain all his movable goods and gear to be escheat and inbrought to our use for his contempt and disobedience and imediatly after your said denunsation that ye use the haill remanent order prescribed be our act of Parliament and ordenance made theranent in all points, And sikelike yt ye in our name and autie forsaid fence and areist, apprise, compell, poyned and distrainzed all and sundrie the said George Gordone readiest movable goods and gear, Corns, Cattell, horse, nolt, sheep in sight plinishing, debts soumes of money and others his movable goods and gear qtsomever, qreuer or in whose hands the same may or can be apprehended within this our Realme. Make pennie therof and the said John Farquharson to be compleatly satisfied and payed of the forsaid victuall and money duties, customes and oys after the forme and tenor of the said Regrat Contract in all points and of the foresaid failzies According to Justice, as ye will answer to us therupon, The qlk to doe we comitt to you contly [conjunctly] and seally [severally] our full power be thir our letters delivering them be you duely execute and indorsed again to the bearer, given under our signet att Edgr the second day of July and of our Rigne the tenth year 1698

"per . . . dominorum Concillii
Arth. Forbes

12th July,
1698."

Mesr ve ch. Cuming my Srest.

The above is a fair specimen of Contracts of this nature which were often entered into by proprietors, and shows how scarce at that time ready money was amongst them and where it was to be found when required, namely, among the burgesses of thriving commercial cities.

Lairds then (1705), as now, were sometimes favoured with anonymous communications by zealous but timid advisers. The following, curious in itself, throws some light on the ecclesiastical condition of the district at the beginning of the 18th Century:—

“It's informed that all this disturbance is fomented by a popish faction who in odium of the other party that keeps the ordinances and concurs with their Minister in Church Discipline, and therefore its to be considered what methods shall be taken for preventing the great abuses committed by that partie in opposition of the laws by having manie Masses in their houses and dailie apostateing.”

The above unsigned is addressed to the “Laird of Invercald;” and probably was directed against the practices of the Auchindryne family.

FOREST OF BRECKACH.

About this time (1700) a somewhat serious misunderstanding arose between the Earl of Aboyne and Mr. Gordon of Abergeldie regarding the right of grazing on this and the neighbouring forest of the White-munth. The correspondence on the subject is very lengthy; but it seems finally to have been adjusted by a Decreet Arbitral, the arbiter being the Laird of Invercauld. His finding is recorded among the Estate Papers, and seems to have given satisfaction to both parties.

Mr. Farquharson, on purchasing the properties of Braickley and Aucholzie some years later, acquired a personal interest in the arrangement now come to.

The following, relating to it, though not strictly a Family Paper, is interesting, as showing the relations between neighbouring proprietors, and supplying a few particulars regarding their family affairs. It appears to have been drawn up for an opinion of Counsel, or information of arbiter, and though without date, it evidently refers to a case that arose soon after 1696. It is headed—

“Memorandum for the Earll of Aboyne and his executors.

“There is a forest upon the head of the water of Muich commonly called Breckach heritably belonging to the Earl of Aboyne, all except what shares thereof is sold in feu firm, by his predecessor and authors of the family of Huntly as sheallings and grazings to the lairds of Abergeldie, Braichlie and Achollie for themselves and tenants in those lands of Glenmuick. The Earl of Aboyne, his father and grandfather have

(right) to the total destruction of the said forest (I mean as to deer) lett (unless) what share of the said forest was astricted to the Heritors grazings aforesaid in fact; for taking in grazing cattle by which they made 80 merks Scots, of yearly rent, this unusuall (and I may say illegall) method of making penny of the King's forests, which should be appropriat for deer, so startled the foresaid Heritable owners, by reason of the dayly incroachments thereby committed of ther proper grazings, that to be in the said circumstances with their superiors (and both equally legall) did also take in grazing cattle, Abergeldie to his grazings of the Hospitall hauch called Kirn and Altararie in the south syde. This totall subverssion of the ordinary use of this said wholl forest and sheallings both by superior and vassalls, into a grasing for low country cattoll, did not only extirpat the Kings deer, and utterly ruin the poor country round it for want of the usuall pastureages for ther proper crofts, but created such animosities and misunderstandings betwixt them, particularly betwixt Charles, Earl of Aboyne, the present Earoll his Grandfather, and Alexer. Gordon then of Abergeldie and John Gordon then of Braichlie, that what by processings, dryvings, law borrows, and other mutal acts of bad nighbourhood, they was all put to considerable chārges and troubles, and were never reconciled, or that affair anyways adjusted, untill the day of all ther deaths. Therefore what, by reason of the late Earll Charles his minoritie, the Revolution, and Army about that time a praye to all Grazing Cattoll, the late John Gordon of Braichlie going wrong in the head, and imprisonment and consequently incapable of looking after any business, and then the nonage and death of the late John Gordon of Abergeldie, things stood much as they were, without any noticeable occurance or variation, untill after the death of the late Earll, that arose a fresh process, put upon the old score of grazing upon Glengusachin, betwixt the present Earlls Tutor, and the present Charles Gordon of Abergeldie, which yet depends, and has already stood the family an hundred pounds, stirlin, of charges, which will be clearly seen by the Tutor and his factors accounts, although come to no issue to this day. Alltho the contension and struggle from first to last, and as not yet ended, was for no other view or profit to the Earill of Aboyn, than making the foresaid 80 merks of rent which is scarce the amount of £1000 Scots, when the family has already expended triple the sowm on that affair, and will be obliged to expend much more before the same be made effectuall. Giving (but not granting) that the Lords should sustain that the Earll could extirpat the Kings deer, and make the Forrest a grasing and pasture for stranger cattoll, as also that Abergeldie and Braichlie could take in non, but make use of those severall sheallings and grazings, for ther own and ther tennants proper cattoll; yet if they do but hird and hund of the Earlls grasing cattoll from the severall grazings disposed to them, the marches being known to the wholl country, in which case it shall be made clear to any perambulators, that it is not in

the Earlls power, or in his tacksmen and hirds, to keep or grase 40 crofts in his wholl forest, without not only incroaching, but actually hirling and feeding on the heritors grass. And I think it will be hardly urged that the Earll or his predecessors after ther Heritable dispositions of particular grasinges (without any reservation) will pretend to have right to eat the same grass themselvs, which would be inconsistent with reason as well as law ; so it is most clear that although the Earll prevailed in defeating all pretenders to bring in grasing cattoll to any part of the said bounds, and that he could do the same himself in so far as understood (which are suppositions not to be supposed) yet making the same an effectuell rent would be impracticable. Now in the last place, making a supposition that this small rent (by dilligence of herds, in keeping clear of the vassals grass) could be made good, which as afore said would bee impossible, yet it cannot be received as sufficient equivelent (without regard to charges) for so good a forrest of deer, which is thereby left, and might be thought to be indispensibly necessar for the intertainment and diversion of the Earll of Aboyne his quality and interest in the highlands, who has not ane single deer on any other pairt of his estate, except some few stragling ons in Glentaner, and thos but in the winter tyme wheras if the forrest of Breckack was freed of all low country Cattoll and kept as a forrest the Earll could give his friends and comorads plentifull diversion every day in the year."

The following is also ecclesiastically of some interest, as showing the relations subsisting between the ministers and heritors of the district :—

"Very Revd. and D. B.,

"The Presb. of Kincardine has been at considerable pains and expense for getting a Kirk built at Coldstone, a Parish in our bounds. There were two places for preching in that Parish, but are both so decayed that scarce remains any more of them but the Rubish. The Incumbent, though not of our communion, applied some years ago to us to interpose for causing repair them, and we having convened all concerned were well satisfied to find the most considerable Heritors wished to build ane Church sufficient to contain the whole Parish, because we conceived that might tend more to the Glory of God as well as to the good of the people who in that case would have the ordinances dispensed every Lord's day to the whole congregation which before was done but to a part of them. But finding at the same time that this project, however pious and necessary in itself, could not subsist in law unless applied to the competent Judges for their sanction. We saw that Difficulty soon removed by some of the Heritors who instantly produced ane authentick Decreet of the commission for Plantation obtained in the year 1618

suppressing the Kirk of Logie-Mar one of the places of worship and requiring in all tyme comeing that there be but one Kirk only for both the United Parishes of Coldstone and Logy. Which Decreet together with our endeavours prevailed upon the whole Heritors to give that summons Judiciall consent to build the said Kirk; and to which they all adhered that day except John Gordon of Blelack and one Lumsden of Corachrie, who yet both gave their consent at first with the Rest. And to show the order and legality of our procedure we perambulat the Bounds and found the remotest parts of both the United Parishes not above two miles distant from the Kirk to be built, we requested the Heritors by a formall edict duly execut to bring work-men to be admitted by us in due manner to cognosse and report what expense would be necessary for its building. Wee requested them also in due and legal forme to meet and stint their several proportions conforme to the valued Rents and the said workmen's Report within terme of law, wherein they having faild we met prester and did it for them arfd all according to law. We obtained Decreet agt. the said Heritors before the Court of Abd., raised and execut horning thereupon; and at our meeting in Aprile last they renewed their consent all except the sd. Blelack, even Corachrie gave us assurance by one of our number that he would concur with the regnant Heritors in building the Church. The Earle of Mar, having some superiorities, and being Tytular of some pairt of the Tythes, we applied to him be the Ministers of Glenmuck and Crathie at the commencing of the Proces and hes had Report that he seemed to be nowise dissatisfied thereto. Notwithstanding of all this, the sd. Blelack and Corachrie have so misrepresented our whole conduct to the Earle of Mar, insinuating falsly, as we'r informed, that we have no Legal civell authority for our conduct that they have prevail'd with Him to interpose for a sist of our Diligence which we hear they have already obtained, and intend to perfect it into a Suspensione, which to prevent or dispens with they have already obtain'd, we hes transmitted the said Decreit and will reserve what further shall be thought needful to do anent the Premises. We have therefore after this plain Information, and on the whole most earnestly entreated you may help to take some Pains either to disabuse the Earl of those mistaks wherthrough those gentlemen have unjustly possess'd him or (if that cannot) to assist the Bearer in representing to the Ordinary Judge how grievous it were by passing Suspension to interrupt a work so pious, so necessary and so well-founded in law. The experience which some of us have had of your ready assistance hath given us this freedome, and we are well assured that the Nature and Legality of the thing itself will have such influence upon your own generous Temper that we shall as little doubt of your willingnes to interpose as of your successe in the undertaking. And now to insist on making apologies for being so Tedious were but to be more so. We only

commend you and yours, and the Lord's work in your hands to his divine Grace, and have appointed these to be signed in our Name by,
Very Revd. and D. B.,
Your affectionat Br. and humble servant
Jo. Howe, Modr.¹

From our Presbytery Meeting
at Tarland
May 16th
1705."

The letter is addressed to,

"The Very Reverend
Mr. David Williamson, Minister
Of the Gospel at West Kirk."

This gentleman was then one of the ministers of St. Cuthberts, Edinburgh, and a person of great influence in the Church and with the landed gentry. He had been moderator of the General Assembly of the Church of Scotland in 1702.

How the letter (which is not a copy) came into the possession of Farquharson of Invercauld is not quite clear, although it is certain that he was the most interested person in the matter to which it refers, being at that time the largest proprietor both in the parish of Coldstone and in the united parishes of Logie and Coldstone. Being the principal heritor, it was natural that he should be first and chiefly consulted in the movement for one new instead of the two old churches; and it was mainly through his aid that the project ended in success.

The Rev. John Howe, who signs the letter as Modr. of the Presbytery, was then minister of Birse. He had been a preaching deacon under Episcopacy, but had been licenced by the Presbytery of Aberdeen in 1694, and called to Birse in 1697. He died in 1707.

The Earl of Mar referred to was the same who raised the rebellion of 1715. He was very seldom in Scotland, and was possibly indifferent about Church matters in Cromar.

¹ The petition, after some delay, prevailed, mainly through the efforts of the Laird of Invercauld, and the first church for the united parishes was opened for service before 1707. This church was re-built and enlarged in 1780, and again in 1876.

John Gordon of Blelack was he whom the Earl of Mar compelled to join in the rising of the '15, and the father of Charles who, with more spirit, came out in the '45.

The then minister of Logie-Coldstone was Thomas Alexander, an old man, who had been settled there in the days of Episcopacy. As would appear from the letter, he had even then made some application for the preservation or restoration of the old churches, but to no purpose. A daughter, Margaret, became the wife of John Forbes of Inverernan, familiarly called "*Black Jock*," the founder of the family, the builder of the Bridge of Poldoulie, and Baillie of Kildrummy—the same to whom the Earl of Mar wrote the often-quoted letter regarding the backwardness of his tenants to come out in the '15:—"Jocke—You was in the right not to come with the hundred men," &c.

The Laird of Corrachree is somewhat contemptuously referred to as "One Lumsden of Corachrie." The property had long been held by a family of the name of Gordon; from them, it passed into another family of the same name—the Gordons of Tilfoudie, cadets of the Aboyne family, from whom it passed about 1670-80 into the possession of the Lumsdens of Auchindoir, an ancient and highly respected house. About 1700 it was excambed for the lands of Cairndyne, a small property in the old parish of Kinernie. The Lumsden laird of 1705 was therefore a new comer to the district and not of a family of any great repute. He had, however, married Agnes Forbes, a daughter of George Forbes of Skellater, who was father-in-law also to John Gordon of Blelack. This serves to explain their acting together in the matter of the new Church. The laird had a son, James, who became minister of Towie in 1740—of whom see *Scott's Fasti and Jervise's Epitaphs*.

A Parcel of Papers, ranging from 1705 to 1736 contains the following items of some historical or family interest:—

Thirteen Discharges for the payment of Feu-duty by John Farquharson of Invercauld to Marischal College, Aberdeen, and to the Bishop of Aberdeen and the Archbishop of St. Andrews.

The first of these is in the following terms:—

"I, Mr. William Smith, Regent in Marshall College of Abd. and Collr. of the Rents of the Bishoprick of Abd. and of a part of the Arch

Bishoprick of St. Andrews, Grants me to have received from the Laird of Invercauld the soun of six pounds ten shillings Scots money. As the Feuduty payable out of his Lands of Coldstoun to the sd. Arch Bishoprick for three cropts and years of God, viz: One thousand seven hundred and five, six and seven, Of which years' Fewduties, being two pounds three shillings and four pennies yearly, I grant discharge By thir prents which I have written and subscribed with my hand At Abdn. the twentieth sixth day of March 1708 years.

W. Smith."

The last Receipt granted by Mr. Wm. Smith is dated 23rd January, 1717 (for crops 1712-14), when he seems to have been deprived of his office—see *Records of Mar. Col. H. p. 40.*

He was succeeded in the Collectorship by Mr. George Gordon, "Professor of Orientall Languages in Ks. College of Aberdeen and Collector &c. by vartue of ane commission of date at Edry. 20th and Regrat in ye books of Councill and Session ye 27th day of 1718 years granted to me by Mr. Archibald Murray, Advocate in Edr."

The next Receipt, dated March 2nd, 1723, bears that the payment was made by "Alexander Farquharson of Monaltrie in name and for account of the Laird of Invercauld."

Monaltrie was Invercauld's younger brother; and would seem to have been discharging some at least of the duties of Factor on the estates; for the payments of these and several other charges down to 1736 are made through his hands. The last receipt granted by Profr. George Gordon is dated March 20th 1729—*v. K's Coll. Off pp. 48-57.*

The remaining receipts to 1736 are granted by Mr. Richard Gordon, Advocate in Aberdeen.

Another parcel of Receipts for meal from the Craibstone estates belonging to Invercauld extending from 1730 to 1734 bears each the signature of "Mr. George Chalmers, Princell. of King's College Abd."

Another Receipt for £83 16s. 8d. Scots money as tiend silver duty from the same lands is signed by "Mr. John Ker, Professor of Greek and Common Profr. in Kings Coll. Abd."

Others also for Moss-leave and other privileges for these and other

lands in and near Aberdeen are signed by the "Thesaurer of Aberdeen." 1730-4.

A rather interesting one seems worth transcribing :—

"I, Mr. Alexander Rait, Common Procurator of Kings College Aberdeen, grant me to have received from Alexander Farquharson of Monaltrie the Sum of Eighty pounds Scots money as ye Silver Vicarage Duty due to ye Kings College out of ye Lands of Glenmuick &c, and sixteen pounds mony foresaid as ye converted price of four stone wrought Butter, due also out of sd. Lands. And that for Cropt and year of God 1734. Vicarge Duty and all precedings is hereby Discharged. In witness whereof I have &c. 16th Decr 1734— Al. Rait, Common Procr."

Alexander Farquharson of Monaltrie, as already stated, was younger brother of John of Invercauld; and generally acted as Commissioner for him.

There are also a number of Receipts for Feu-duties paid on salmon fishings on the Dee possessed by Invercauld for the same period—1730-4. These fishings had been bought from James Moir of Stoneywood, as appears by Receipts granted by him—1730.

DISCHARGES (1734-5) by Isabell Baillie, styl'd Lady Craibstoun, "Relict to the deceast John Sandilands of Craibstoun, to John Farquharson of Invercauld, Purchasour of the lands of Craibstoun and Skletty" for the Annuity due to her from these lands, prove that at that time Invercauld's property in the neighbourhood of Aberdeen was very considerable.

The following Discharges have some local interest, as showing the liability of certain lands for ministers' stipends and schoolmasters' salaries :—

Alex. Toasch, minister of Tarland (1701-1737) £20 Scots from lands of Pittentaggart, per Mr. Francis Farquharson (1736), in a very shaky old hand.

James Brown, schoolmaster, Tarland, grants receipts for salary (£2 18s.) from same lands per same hands—1737.

James Edward, schoolmaster, Glenmuick, grants receipts for £4 17s. 6d. Scots, accruing from the lands of Braickley and the lands of Micras and Torrigalter in the parish of Tullich—1734-7.

James Mitchell, schoolmaster of Crathie, has a salary of £7 15s. Scots from the lands of Invercauld, Aberarder, and Castleton—1736.

Alexander Reid, schoolmaster of Logie Coldstone, has a salary of £30 Scots from the lands of Kinaldie and Melgum—1735.

Alexander Wilkins, schoolmaster of Newhills, has a salary of £3 12s. Scots from the lands of Craibston, Slatie, and Tulloch—1735.

One of the earliest of these discharges is from the minister of Invermuik (Glenmuick), and runs thus :—

“I, Mr. James Robertson, Minr. of the Gospel at Invermuik, grant me to have received from John Farqurson of Invercauld, full and compleat payment of the Stipend due to me out of the parsonage teends of two plough of land belonging to him in Micras and Torigalter, and that for the year 1727 &c. Ja. Robertsons.”

The subsequent Receipts do not specify any particular lands on which the stipend is payable, but states that John Farquharson of Invercauld has paid “320 marks Scots in full of the Stipend out of the parsonage teends of the united parishes of Glenmuick and Glengarn whereof he is Taxman.”

Mr. Robertson was minister of Glenmuick, Tullich and Glengairn, from 1699 to 1747, thus passing through the troublous times of both the Jacobite insurrections. A son of the “Baron Rui” of Kinloch, he was a man of great influence, not only in his own parochial charge, but also throughout a wide district; and many disputes between proprietors were referred to him for arbitration. He is the first minister to receive the tribute of a tombstone in the churchyard of Glenmuick.

John Shepherd, minister of Logie-Coldstone, grants receipts for stipend from Invercauld (200 mks. Scots) for 1734 *et sub.* Mr. Shepherd (1716-1748) had two sons in the ministry, George of Newbattle and Thomas of Bourtie. He had also a daughter, Christian, married to John Forbes of Bellabeg, a connection that afterwards served the family in good stead. See *Jervise I.*, p. 283.

The Rev. John McInnes, minister of the Gospel at Crathie, another clergyman of great influence in the district, grants receipts in nearly the same form for his stipend of £148 8s. 11d. Scots from the lands of Invercauld, Aberarder, and Castletoun of Braemar for the years 1734-6.

Mr. McInnes was called to Crathie, 26th May, 1715, and ordained 10th August thereafter, just when Mar's insurrection was drawing to a head. He found his position so uncomfortable that he petitioned the General Assembly for an act of transportability, but was not relieved of his charge till 1748, when he was translated to Logie-Coldstone.

It was in his time that Invercauld, so correct and punctual in the discharge of all his obligations, formed and carried out his generous intention of bestowing a permanent benefit upon the district in which his lands were mainly situated. It is thus acknowledged :—

"I, Mr. John McInnes, Minister at Crathie, in name of the Kirk Session of Braemar, grant me to have received from John Farquharson, Laird of Invercauld, the sum of one hundred and sixty six pounds thirteen shillings and four pennies Scots money as the annual rent of the principall sum of five thousand merks money forsaied contained in ane bond of Mortification granted by him to me for the aliment of Six poor boyes at the Charity School in Braemar, and that from January 1734 to January 1735 years of wch. year's annual rent and of all preceeding annual rents I discharge him and his heirs, in witness whereof I have written and subscribed thir pretts with my hand at Invercauld this 14th day of December 1734 years.

John McInnes."¹

The Francis Farquharson mentioned in these Receipts as Factor on the Invercauld Estates was the eldest surviving son of Alexander, first

¹ "For some time previous to the Earl of Mar's insurrection, the minister of Crathie was a Mr. Fergusson, a strong supporter of the Hanoverian succession, and possessed through his connections of no little influence with the Government. Attached to the Invercauld family, he had endeavoured to win over the Laird to his own side of politics, but the pressure put upon him by the Earl of Mar to join his standard was too great to be resisted. Soon after this, Fergusson was translated from Crathie to Logierait in Perthshire. Then followed the double collapse of Sheriffmuir and Preston, at which latter affair Invercauld was taken prisoner. On this becoming known to Mr. Fergusson, he exerted all the influence he could command to procure the pardon and freedom of his friend; and had the satisfaction to find that his efforts were not in vain. Some years after, Invercauld wrote a very handsome letter to the minister of Logierait requesting him to intimate in what way he might acknowledge his obligation. Mr. Fergusson suggested that he might, if he thought proper, testify his sense of the clemency of the Government by founding some educational endowment or bursary, for the benefit of the parishes of Crathie and Braemar. The suggestion was acted upon; and the benefaction is that referred to in the above quoted receipt, and which is still administered by the Invercauld family, and affords much valuable assistance both in maintenance and education to deserving lads of the name of Farquharson, Fergusson, or McDonald." It may be added that Mr. Fergusson was the father of Adam Fergusson, the eminent moral philosopher and historian,

of the second family of Monaltrie, and nephew of Invercauld. His father had acted in the capacity of factor before him; and it was this position that gave him such influence with the tenants when nine years afterwards he, as "the Baron Ban," attempted to raise the clan for Prince Charles Edward. For this his uncle deprived him of the factorship.

CONCERNING REGALITIES.

The following letters relate to a claim made by the Duke of Gordon over certain lands in Cromar that had been acquired by John Farquharson of Invercauld, and which it was contended were under the Superiority of the Gordon family. The matter had been long in dispute, and was not yet finally settled.

"Edinburgh 4: Jary
1711.

"Much Honoured,

I wish you a good new year. The Duke of Gordon's process of declarator of nonentrie, reduction and declaratour ob non solutum canonem, and proces of Exhibition agt. you and others was on this week's roll, you may be surprysed I did not advyse you sooner but the reason is that there being many defenders and seall (several) advocates marked for them; as in all such cases one is appointed to see and acquaint the rest, but he, who seced the proces returned, (did) the same without making any intimation to others; however, I hope there is no hazard for it will not be debate this week because the Lod. ordinarie has not come the length in the roll. The lands you are concerned in are Coldstone, Newtown, Milne of Coldstone and Pitlyne. The defences occures to me are that ye hold them of the Crown past proscription and so ye may disclaime the Duke. I mynd something of a dutie to the Bishope or parson of Migvie ye told me of, and what your Charters bears thereanent, I can not now mynd; however by first post you'll bag to me ane answer to this generall account tho by next post ye'll expect a more particulair relation to the said proceses for I think to see them and his Grace titles.

"I give my humble duty to my Lady and am

Much Hod.

Your most aff: humble Sert

Cha: Farqron

The post of ore . . .

I hade written at greater length."

The letter is addressed—

"To

The Laird of Invercauld

At his Lodgeings

in
Aberdeen."

The writer, Charles Farquharson, was a W.S., and Invercauld's law agent in Edinburgh. He was not only a clansman, of the family of Whitehouse, but had been married to an aunt of Invercauld. He was much consulted by the whole clan.

"Edinburgh Januar 9th 1711.

"Much Honoured,

As I wrote to you in my Last there is a process of reduction and Declarator ob non solutum canonem at the Instance of the Duke of Gordon and Marques of Huntly as heritable proprietors of the Marquisset, Lordshyps and Regality of Huntly agt. My Ld. Pitsligo, John Forbes of Boyndly and you wherein they call for Exhibition of the Charter granted by the said George Duke of Gordon to you or either of you Dated the day of years of all and hail the town and Lands of Coldston, Newtoun, miln of Coldston, and Pitlyny Lying within the Sherifffdom of and Marqueset and regality forsaid, and all your wryts, rights, evidents and securities of whatsoever name or designation, granted to you or either of you be the said Duke or Marques or either of them, and also they call for Exhibition from the said Lord Pitsligo granted to him, his father or grandfather or any others his predecessors or authors by the said persuers or either of them or any other person of, upon, or concerning the said Lands or the town and Lands of Achanachie, and all other wryts, rights, evidents and securities of, or Concerning the said Lands. And Craves the same may be reduced &c., and being reduced it be found and declared that the persuers had good and undoubted right to the said haill Lands & profits thereof. The reasons of reduction Lybelled are 1st that the wryts are null as wanting wryters' names and designations; 2d That they are granted by Commissioners who had no warrand; 3d That they are null by proscription, at least the said Lands &c. are holden of the persuers by you or your predecessors or authors in feu firm and the rights and Infestments are become void and null ob non solutum canonem by and through not payt. of the said Feu Duties so as two terms thereof are run into a third Conform to the Express Clauses Irritant contained in the infestment at Least the same are null through not payt. of the said feu Duties conform to and in the terms of the Act of parliament made anent Lands Holding feu.

"There is another proces of Declarator and non Entry also to the said Lands, and ther is a third process of Exhibition att the Duke and Marques Instance wherin they Call for Exhibition of all Contracts, Charters, Dispositions and other wryts granted to you or aither of you or your predecessors or authors or any other person or persons of, or concerning the said Lands.

"I have seen and Considered the Dukes Charter and I can find nothing (that) can have any resemblance or Concern in your Lands

Except that where it narrates the Lands and Barrony of Touch, Cluny and Midmarre it bears Cullquhader Slaines and bogue wherof as a great pairt of the said barronies, and the Charter bears that the said barronies Ly within the porochens of Cluny, Tarlan and . . . and Shireffdom of Aberdeen. And in ane other Clause of the said Charter he has the Heritable office of Bailliary of all and haill the Lands and Barronies and yearly rents belonging to the patrimony of the Bishop-rick of Aberdeen with the haill Liberties, fies, priviledges, and pertinents belonging therto Lying within the vice of Aberdeen and Shirreffdom therof."

This far the above was evidently written to dictation. The following addendum is in another hand and private :—

"Sir, The proces bees called to-morrow befor Lod Cullen ordinary. I will endeavour a delay till I have at least a return to my last. I trouble you to give my humble duty to my Lady and to my Las. Pittrichrie and Pittcardine, and am

I: Hon.
Your most aff: humble Servant
Cha: Farqyson."

The letter is addressed—

To
The Laird of Invercauld
at his lodgeings in
Aberdeen."¹

In regard to these claims for Feu duties, this was not the only case in which Invercauld had to contest them against the Duke. After he had purchased the Glenmuick property, the same claims were set up for Braichley and Aucholzies, in which action Invercauld's agent describes His Grace as a "troublesome person," and the then Earl of Aboyne seems to agree with him in that opinion. The Earl took part with Invercauld in resisting the Duke's claims; indeed he claimed that, if there were any regality rights in either case, they belonged to himself and not to the Duke.

As long ago as the time of Alexander of Invercauld, who died in 1681, the Marquis of Huntly, who soon after was raised to the Dukedom

¹ As appears from receipts for rent, granted by "William Forbes, Merchant in Aberdeen, Factor for the Lands of Thainstown to John Farquharson of Invercauld," his town's residence was in the Shiprow, then one of the principal streets in Aberdeen.

of Gordon, had found himself obliged to the said Alexander in a considerable sum of money, and had in security of it wadset to him several properties in Banffshire. The Duke's son now (1712) redeems these, and Mr. Farquharson grants him a discharge, of which the following is a memorandum:—

"I, John Farquharson of Invercauld, heir served and retoured to the deceased Alexr. Farquharson of Invercauld, my father, and to William Farquharson of Invercauld, my brother, grant me to have received from Alexr., Marquis of Huntly, Earl of Enzie, all and whole the sum of 11,000 merks Scots money, and that for redeeming &c. the wadset right granted by George, Duke of Gordon, to the said Alexr. Farquharson, my father, of all and whole the Lands in Strathavine" &c., &c.

The document bears the signature of John Farquharson, and is witnessed by John Gordon of Glenbucket and Peter Gordon of Drumbulg, and is dated 12 May 1712.

The surprise has often been expressed, how money was obtained in those times to purchase such large tracts of land; but it has to be remembered that a little money then went far in the purchase of land; and that in the case of the Invercauld family they, at a very early date in their history, embarked in commercial enterprises. Robert II. was in 1638 conjoined with the Jeffrays of Aberdeen in several trade transactions; his son, Alexander, continued these and engaged in others that were then lucrative speculations; and his son, John, who was an able man of affairs, had much to do with several industries of the town, as well as being the possessor of considerable properties in its neighbourhood, e.g. Craibstone and Thainstone. In its shipping trade he had also much interest, as shown by the following acknowledgment:—

"Be it known to all men by these present letters, me, Daniel Farqrsn, Master of the good ship, the *Friendship* of Aberdeen, for ane certaine soume of money payed and delivered to me by John Farqrsn of Invercaulde."

It then goes on to state what risks the shareholder will run, and what profits he shall be entitled to, namely, eight-tenths, and concludes,

"I have subscribed thir prnts with my hand att Aberdeen, the sixteenth day of October one thousand seven hundred and twelve years,

before James Farqrson, Merchtt in Abd., writer thereof and Daniel Farqrson, Merchtt. there

Daniel Farqrson.

James Farqrson, Witness,
Daniel Farquharson, Witness."

The sum invested was £234 16s. 10d., as appears from the following discharge :—

" Debtor.	THE LAIRD OF INVERCAULD	Creditor
To your right of entry	By cash delivered be	
of the Freindship - - £234 16 10	you pr Account - - -	£146 16 -
	By ballance pd.	88 - 10

£234 16 10

Aberdeen 1st Nover 1712.

Received payt. of above ballance by me
Daniel Farqrson."

The following document well illustrates the social and pecuniary position in which most of the small Highland Lairds found themselves in the early part of the eighteenth century. They had no means of supporting their position as landowners, and generally they were too proud or too indolent to engage in trade or other industrial avocations. There remained open to them only the military service of their own or foreign countries, for which they had a natural aptitude, and of both of which they took ample advantage. The number of Farquharsons, cadets of the leading septs of the clan, who thus disposed of themselves during the wars of Marlborough was very considerable, as appears from the frequency in the family records of such entries as, "Went to the wars," "Drowned at sea," &c.

The Treaty of Utrecht (1713) for a time dried up this source of employment, bringing many Highland lairds to beggary and obliging them to dispose of their deeply encumbered estates, thus furnishing the material of which the Jacobite rising of 1715 was mainly composed. The few who were retained in their country's service and had any lands or heritages to dispose of, conveyed them by a sort of Will or Testament to some trusted clansman, usually the chief, to be administered by him during their absence. The following is an example :—

"KNOW all men by these presents That I, Henry Farqyson, Matross (Montrose?) now in her Brittanick Maj. her Trayne of Artillery att St. Phillips In the Island of Minorca¹ Have made, ordained, Constituted, Authorized and appointed, And by these presents do make &c. my Kinsman and trusty friend John Farqyson Esquire of Invercald, in the County of Aberdeen, In North Brittain, my true and Lawfull Attorney for me in my name but to my use, to take possession of all Lands, Messuages, or Tenements appertaining or belonging unto me viz:—lyeing, and being att Torgalter in the said County of Aberdeen and else where; and also to demand and receive all such sume or sumes of money that is now due, or which hereafter shall become due and payable unto me upon account of rent or otherwise; and after possession and seisen be taken and Delivered of all my premises as aforesaid to give such discharge or discharges in my name for all such rents: or other sumes of money as my said Attorney shall from time to time receive and see occasion; and if need be to make one or more Attorney or Attorneys under him: And the same at his pleasure again to revok. Giving and by these presents granting to my said Attorney or his Deputed Attorney my full: and absolute power; and Authority. Ratifyeing: Confirmeing; and for ever holding good whatsoever my said Attorney or his Deputed Attorney shall reasonably and Lawfully do or cause to be done for the recovery, and better obtaining of all my said premisses as aforesaid: As I might or could Do if I were personally present any thing contained to the contrary thereof in anywise notwithstanding. IN WITNESS whereof I have hereunto sett my hand and seal this twenty fifth day of March. In the thirteenth Year of the Reigne of our Sovereigne Lady Ann by the Grace of God Queen of great Brittain; France; and Ireland Defendor of the Faith &c.

Anno Dom. 1714¹ O. S. /
Sealed; signed and Delivered (for want of a Stamp) In the presence off the Underwritt.

Henry Farqyson.

Alexr. Midleton, Witnes,
James Leask, Witnes,
Jona: Whaley, Attorn."



JOHN FARQUHARSON was now drawing near the most eventful period of his eventful life. He had never led a life of ease, or been quite free of family trouble. He had been happy in his early marriage, but the cloud of sorrow soon overcast his home in the death of all his children,

¹ There was a Henry Farquharson of the Coldrach family, a branch of which about this time settled in Montrose; but there is no record that any of that house had lands in Torgalter. The Allanquich family had some oxgates there, but I do not find a Henry in their pedigree. The name under the form Harry or Harie, was common in the Whitehouse family.

and about this time (1713-4) of their affectionate mother; but politics till now had given him little concern. The time was at hand, however, when they were to entangle him reluctantly in their baleful meshes.

The power of a feudal Lord over his vassals had as yet suffered no diminution in Scotland since the days of the Douglasses, and was exercised with a higher hand in the Highlands than elsewhere. The vassal was bound to give, among other obligations, military service with all his tenants and followers capable of bearing arms whenever called upon by his Lord Superior, under pain of the forfeiture of his estates and other penalties. John of Invercauld, at the outbreak of the rebellion, held almost all his Aberdeenshire properties under charters from the Earls of Mar. He was therefore bound to give these services when demanded, or be made houseless and landless in the north; and the nobleman who now held the Earldom was about to exact them with the utmost rigour. His character is thus drawn for us by an historian with an impartial hand:—

“Though not possessed of shining talents, he made ample amends for their deficiencies by artifice, and an insinuating and courteous deportment, and managed his designs with such prudence and circumspection as to render it extremely difficult to ascertain his object when he desired concealment; by which conduct ‘he showed himself’ in the opinion of a contemporary (*Lockhart—a sympathiser*), ‘to be a man of good sense, but bad morals.’ The versatility of his politics (he had repeatedly changed sides) was perhaps owing more to the peculiar circumstances in which he was placed than to any viciousness of disposition. He was a Jacobite from principle; but as the fortunes of his house had been greatly impaired in the civil war by its attachment to the Stuarts, and, as upon his entrance into public life, he found the cause of the exiled family at a low ebb, he sought to retrieve the losses which his ancestors had sustained; while at the same time he gratified his ambition, by aspiring to power, which he could only hope to acquire by attaching himself to the existing government. The loss of a place of £5000 a year, without any chance of ever again enjoying the sweets of office, was gall and wormwood to such a man. This disappointment, and the studied insult he had received from the King, operating upon a selfish and ambitious spirit, drove him into open rebellion, with no other view than the gratification of his revenge. But whatever were his qualifications in the cabinet, he was without military experience, and consequently unfit to command an army.”—*Brown's History of the Highlands.*

Burton, who had ampler means of ascertaining his character, is still

more severe. He writes:—"Whatever doubts may shroud the motives of others—who took part in the insurrection—those of the great head of the enterprise (Mar) have been fully expounded by his own acts and sayings, and shown to be the basest that can actuate a public man—greed of place, power, and emolument, mortified ambition, and revenge."

Such was the Over-lord who now exacted to the uttermost the fulfilment of Invercauld's obligations as his vassal. What the Laird's own politics were we have no means of knowing for certain. That he disapproved of Mar's rising as inexpedient and hopeless has been made very evident by what afterwards befel; but he might do this and still retain a warm sympathy for the fallen cause, as many others did who were more at liberty to follow their inclinations than Mr. Farquharson was. From the beginning of the outbreak to its collapse there is, as was to be expected, very little record of family or current events. Invercauld had doubtless been early acquainted with Mar's intentions; and we know he had strongly but ineffectually tried to dissuade him from his rash attempt. The grandfather of this Earl of Mar had consulted the grandfather of John of Invercauld, and taken his advice, and so saved him and his followers from the overthrow at Worcester. The grandson, less wise and more headstrong, would not be guided by the other grandson, and forced them to their ruin at Sheriffmuir and Preston.

THE EARL OF MAR'S REBELLION.

The subjoined petition explains itself; but it may be observed that the statements contained in it are fully verified by many documents among these papers. The position of the Petitioner at the outbreak of the Insurrection (1715) was very peculiar. When the Earl of Mar came to Scotland he had no proper residence in Braemar, where he had arranged to meet the clans and unfurl his banner. He therefore took up his abode in Invercauld, the mansion of the Laird, his vassal. There was no possibility of Mr. Farquharson's refusing to summon his clan and join his standard. The Earl being his superior, and, as appears from the letters he addressed to his other vassals (Gordon of Blelack and Forbes of Inverernan, &c.), the demands he made were of a most imperious character. Invercauld had no alternative, but either to join the rising with his clan or be disinherited of his house and lands. He might well therefore plead

coercion, as well as disinclination ; and such being the case, there was no reason to doubt that he also did all in his power to restrain his followers from acts of violence when engaged in it.

The part he was compelled to take is a matter of general history. It was the most hazardous and hopeless of any in that unhappy adventure.

His capture at Preston, where both he and his clansmen displayed the greatest bravery, and his subsequent imprisonment are recorded in all the histories of the time ; but the following particulars may be here briefly referred to :—

There is little doubt that for fully a year before the Earl of Mar left London, he had been hatching his rebellion by correspondence with the Highland chiefs and disaffected Lowland gentry in Scotland. Invercauld would naturally be one of the earliest to be consulted, but no trace of such correspondence has been found, and there were good reasons for its careful concealment, or speedy destruction. However, from what afterwards happened, it is evident that Mr. Farquharson was averse to the insurrection. This led Mar to keep a close watch over him, even to the extent of taking up his residence in his mansion, putting his servants in fetters until they disclosed where the arms of the clan were concealed, the Laird himself meanwhile keeping out of the way and deserting the meetings of the leaders held in Braemar. Burton's account of the early proceedings there is as follows:—"In the course of his journey northwards he (Mar) issued intimations to the chiefs on whom he could rely, to join him in a great hunting party in his forest of Mar, and had personal interviews with those whose estates lay near his route. . . . The rapidity with which he brought together many men from the extremities of Scotland shows that his friends had been prepared for this arrangement. Crossing the Grampian range to his own district, he passed through the forest of Mar, and went on northwards to his chief fortalice of Kildrummie on the banks of the Don, now a mouldering ruin, desolate as the bleak hills surrounding it, but proving by its fragments that it once boasted of an extent and magnificence more characteristic of the baronial palaces of England than of the gaunt furtive towers of the Highland chiefs."

The historian, with good reason, evidently doubts the credibility of this visit, and appends this note : "*Annals of King George &c. p. 25.* It is there stated that he went to Kildrummie. His valet, who should be a good witness to his motions, merely says he spent eight days with

Farquharson of Invercauld—*Original Letters*, p. 18. He probably lived with him during the gathering." He did so, as his letters testify, and behaved himself in a very tyrannical manner towards his host and his servants. Prior to his arrival, Mr. Farquharson had taken the precaution to conceal the arms that were usually kept in the armoury at Invercauld; and we shall see by what means the Earl discovered them. There is also a well founded tradition that it was on this occasion—though it might have been also in the '45—that the charter chest was for security removed to an almost inaccessible cleft in a rock in the face of Craig Cluny—afterwards named from this circumstance, *Invercauld's Charter Chest*.

The historian proceeds. "He (Mar) probably reached his (Invercauld's) mansion on the 21st or 22nd of August, and either spent the intermediate time in preparations there, or consulted with his follower, Farquharson of Invercauld, making preparations for the general gathering at Braemar, where, on the 26th, he met his friends."

He certainly did not consult much with Invercauld; for, as is fully shown, during this time the Laird forsook his house and deserted him.

At this meeting, there were present and admitted to private consultation:—The Marquis of Tillibardine; the Marquis of Huntly, the Duke of Gordon's eldest son; the Earl of Breadalbane; the Lords Southesk, Stormont, Drummond and Ogilvie; Lord Seaforth, and the Chief of Glengarry; Lords Nithdale and Traquair; the Earls Marischal, Errol, Carnwath, and Linlithgow; the Viscounts Kilsyth, Kenmure and Kingston; and the Lords Rollo, Duffus, Strathallan, and Nairn; with the Lairds of Auchterhouse and Auldbar, the last named being Invercauld's uncle-in-law. There were also in attendance twenty-six Highland Chiefs and Chieftains of clans, but Invercauld was not amongst them; he had either not been invited, or had absented himself because he disapproved of the purpose in view.

"On the 3d of September, a consultation was held at Aboyne, a mansion of the Gordon family, twenty miles to the eastward of Braemar and without the Highland line. Perhaps this removal of the consultation was suggested by the desire of some of the leaders to hold confidential communing uninterrupted by the multitude encamped on the hunting ground. There is some reason, indeed, to suppose that the meeting of Aboyne consisted solely of those who were prepared to take up arms, and who thus separated themselves from others who were disposed to

more cautious counsels." Lord Mar's Valet affirms that the Lairds of Invercauld and Abergeldie presented themselves, but were not admitted to the consultation; evidently because their views were known to be opposed to the rash undertaking. Charles Gordon of Abergeldie, not being a vassal of the Earl of Mar, could not be compelled by him to embark in it, and did not. Invercauld was unfortunately otherwise situated.

The Government had by this time got information of what was taking place in the north, and issued summonses to sixty-five suspected persons to appear in Edinburgh within seven days if resident south of the Tay, and fifteen days if north of that river. They were mostly those who had attended the meetings at Braemar and Aboyne, and included nearly all the chiefs of clans and leaders of bands from the Marquis of Huntly and Allan Cameron of Lochiel down to Robert Roy, *alias* McGregor; but neither John Farquharson of Invercauld nor Charles Gordon of Abergeldie is named in the list. They were not suspected persons.

"At length it was resolved to raise the banner of insurrection."

"THE CEREMONY TOOK PLACE AT BRAEMAR ON THE 6TH OF SEPTEMBER, 1715, and was solemnized by prayer and other religious exercises, though not unattended by an incident—the fall of the gilded ball at the top of the flag-staff—that more than neutralised, in the Celtic mind, the influence of these propitiatory solemnities."

Invercauld had by this time been compelled to join the insurgents, and received the command of Mar's own regiment, many of which were his own tenants. While the Earl with the main body marched south by the Spittal of Glenshee to Logierait, his lieutenant remained behind to collect his recruits; and with these, numbering, as some report, about 500, he joined the main army at Perth on the 17th or 18th of September. Here they were united to the MacIntoshes and formed into a brigade under old MacIntosh of Borlam. Before the middle of October, the whole disposable force under Mar at Perth amounted to 12,000; and many raids and expeditions into Fife and Argyle were undertaken, generally with success. But the most daring of all, and the most skillfully executed, was that in which Invercauld took a leading part; for now that he had cast in his lot with the Jacobite army, he felt bound to give the cause his best services as a true adherent and brave soldier. The expedition is thus described by Burton;—

"While impediments, external and internal restricted the movements of the main insurgent army, Mar could not fail to see how it would serve the cause to throw a portion of his large force across the Forth, to aid the smaller body gathering in the south. But to accomplish this object there were in the west the impediments already noticed,¹ and towards the east there was the still more formidable difficulty of the broad Firth, with the English vessels of war cruizing near the shore. In this direction, however, lay the shortest route; and it was resolved that the adventure should be there made. The party destined for the purpose, consisting of 2,500 men, was put under the command of MacIntosh of Borlam—now styled Brigadier General MacIntosh, who was first cousin to Invercauld's mother and uncle to the chief of his clan, who was at this time a minor—'a rough handed, unscrupulous soldier who had gained experience in all descriptions of warfare.' The troops composing the brigade were the MacIntoshes, the Farquharsons—Dee and Don-side men—Mar's own regiment under John Farquharson of Invercauld, 'a body of Robertsons under Strowan, the poet chieftain, and a party of horse under Gordon of Glenbucket, who was a hard fighter but no poet.' Only the two first named regiments crossed the Firth; the others were employed in the drudgery of purveyance."

Rae (p. 258) gives the following succinct account of the crossing:—"On Wednesday the 12th October, at night, some of them embarked, and others the next night, in open boats, taking their course directly to the south shore of the Firth, which is there about sixteen or seventeen miles broad; his Majesty's ships in the Firth, either espying them from their top-masts, or having notice of their design, weighed anchor on the top of the flood, and set sail to interrupt them; but, the wind not being fair, they were not able to come up time enough to prevent their passage."

From the landing place they marched to Haddington, whence they made an attempt to capture Edinburgh; but, being prevented by the pre-occupation of the town by the Duke of Argyle, they retired to Leith, where they were besieged by the Duke and the city forces, but successfully extricated themselves by a masterly night retreat along the seashore, and garrisoned themselves in Seton House, eleven miles distant, by daybreak. Here they almost came to an action with a party from

¹ These were the fords of the Forth and the passes from the north now guarded by the Duke of Argyle's forces, with their headquarters at Stirling.

Edinburgh, on the very ground where thirty years later the battle of Prestonpans was fought. In all these marches and counter-marches Invercauld with his Farquharsons took a leading part.

"On the 18th Octr. MacIntosh, having received instructions from Mar, and intimation of the risings in the south," proceeded next day to the border to meet Forster at Kelso, with the English contingent. A good few Highlanders deserted on the march, showing that they had little heart in the expedition—a feeling that afterwards became more pronounced.

"On the 22d the Highlanders reached Kelso, and made a sort of triumphal entry into the town with bagpipes playing, and their old brigadier, who appeared very well, marching at the head of them."

Much discussion arose among the leaders as to their future movements, some advocating a march through the western counties, returning by Glasgow to rejoin the main army under Mar, which was now expected to be far on its way to that city. The Highlanders favoured this course, and, when they discovered that the English leaders had carried a motion for an invasion of England, it was with great difficulty that a mutiny was prevented. "Their leader, MacIntosh, who had no prejudice to active service wherever it could be obtained, endeavoured with all his eloquence to prevent their desertion." He is represented to us as standing in the middle of the river Esk, where it divides the two countries, scolding the mountaineers and exclaiming with characteristic zest, "Why the devil not go into England, where there is both meat, men, and money? Those who are deserting us are but the rascality of my men." We are not told what part Invercauld took in these disputes, but, as he was the right hand man of his brigadier, it is probable that he shared his sentiments.

On the 2nd of November they reached Penrith, where they put to flight a body of 15,000 country people who had assembled to oppose them. "They made many prisoners, took some arms, consisting mainly of a few matchlocks and a great number of pitchforks, and some horses." This was their first real brush with an enemy, and the result put them in good spirits, for a time at least. They had a bad marching time of it under a continued soaking rain. "The horse," says an eye-witness, "did not draw their swords nor show their colours, neither did any drums beat, only six Highland pipers played." *Lancashire Memorials*, p. 81.

From Penrith they marched to Lancaster, which they entered on the

7th November and left on the 9th. "They were here hospitably entertained, being the heroes of the Roman Catholic ladies who," according to the above authority, "gave a grand party to the officers devoted to the novel and aristocratic luxury of tea." Notwithstanding this, they did not receive many recruits.

They were now drawing near their fate. "On the 9th of November, amidst drenching rain and through deep miry roads they made their last march to the fatal end of their career." Mr. Rae states that the whole army, English and Scotch, within Preston amounted to 4,000, but there is reason to believe that this is an exaggerated estimate. It seems that for a time they were not aware of the trap into which they had fallen. "A townsman draws their conduct in a few simple words. 'The ladies in this town, Preston, are so very beautiful and so richly attired, that the gentleman soldiers, from Wednesday to Saturday, minded nothing but courting and feasting.'" They had a rude awakening. Two well equipped armies under able commanders, one under General Wills from the south, and the other under General Carpenter from the north, were unobserved approaching the town. When their advance was discovered a council of war was immediately called, and sat without the presence of the commander. Indeed, General Forster was at his best utterly incapable of the command, and was seldom quite sober. The resolution come to by the council of war, under the guidance of Borlam and Invercauld, was to send forward advanced guards to the Darwen and Ribble bridges, and to put the whole army in readiness to take the field against Wills before he should be joined by Carpenter. "Next morning, however, to the surprise and indignation of the unfortunate officers, these orders were countermanded by Forster. It was indignantly remarked that the most revolting part of the General's conduct was, that he only awakened to testify to his amazed subordinates that his authority had not slept with him." Taking with him a company of the newly raised English levies, he went to view some fords in the river; and passing the quarters of the Highlanders, who were smarting with indignation and disappointment at the prospect of being cooped up in a beleagured town, "Are these the fellows you intend to fight Wills with?" said old MacIntosh, looking more grim than ever; "Faith, an ye had ten thousand of them, I'd fight them all with a thousand of his dragoons." But he wasted little time in words; his duty was to see to the defence of the

town, now that they were not to be allowed to fight the enemy in the open field. The most vulnerable point was the bridge over the Ribble, for the defence of which "John Farquharson of Invercauld, an immediate follower of Mar, and a tough soldier of MacIntosh's band and school, was the commander selected with a hundred stout, choice and well armed men." The bridge was the great pass towards Preston from the south, and the first point to which any general, wishing to save the town or those who were in it, would look, "yet Farquharson had scarcely taken up his position when he received an order from Forster immediately to abandon its defence." What followed is best told in the account given by the historian already quoted :—

"The plan of defence was laid down by MacIntosh. It was the simple city fortification by barricades. The insurgents had brought with them some ships' guns which they had found at Lancaster, and making four barricades at so many of the principal approaches of the town, two guns were mounted on each. It was the Brigadier's policy not to place the barricades entirely at the extremity of the town, where the streets radiated out to the country in small lanes through which they might be flanked; but with all the advantage the system might give to the enemy, in getting possession of the exterior houses, to lay the lines of defence somewhat nearer the centre of the town than the places where these avenues branched off. MacIntosh himself took the command of the principal barrier across the entrance from the Wigan Road, and close to the church. General Wills inspected these preparations from a slight rising ground, and approaching MacIntosh's barrier, two dragoons near him were shot—an incident which dispensed with a summons to surrender. At two o'clock in the afternoon, a general attack was made on MacIntosh's barrier. A slight embankment, raised near the extremity of the town, intended rather to perplex the enemy than to be defended, was immediately abandoned, and a sharp fire was opened from the main barrier, along with a flanking discharge of musketry from the houses on either side. Out of 200 men who entered the street, 120 were killed in a few minutes. This slaughter was accomplished by the Highlanders, with the musket—a weapon of which they were thoroughly masters in the shape of rifle practice. For the clumsy artillery put at their disposal, they could find little use; and though they were aided by a seaman in attempts to work them, the balls were chiefly lodged in the

neighbouring houses. The erecting of the barrier within the range of houses, if it served to baffle the besiegers at first, gave them in the end the means of covering their attack. The principal houses beyond the barricade were occupied by some of MacIntosh's men; but while the main body of the besiegers advanced up the street, subject both to the operations from the barricade, and a flanking fire from the houses, small parties were sent through the byelanes to attack the houses in the rear, and the rebels being dislodged from two of them, they were effectively occupied by the Government troops. The other houses between the barricade and the exterior of the town, if not defensible, were still capable of offensive use; and being set on fire by the besiegers, obliged the besieged, who were posted on the other side of the barricade to retreat farther into the town. The houses blazed on during the night, and afforded the two armies light for their conflict. The possession of the two houses occupied by the besiegers was felt to be so important that Forster was strongly urged to make a great effort to dislodge them; but he rested on a maxim which was probably echoed from a saying of MacIntosh, 'that the body of the town was the security of the army.'

"The attack on the other three barriers was of a similar character. The assailing troops suffered sharply from the covered fire of the rebels; while houses were taken possession of and either burned or occupied, and generally the besieged were hard pressed when the shades of evening fell.¹ All through the night the scattered fight went on, partly by the light of burning houses, partly by that of some windows lighted up, under an order from General Wills, that all the houses taken possession of by his troops should be illuminated. During that eventful night, it is briefly recorded by an eye-witness that 'both armies lay upon their arms, but General Forster went to bed.'

"In the meantime just one avenue from the town remained open, and

¹ Brown (*History of the Highlands*) states that, "although Preston's foot kept up a smart fire they did little execution among the insurgents, who were protected by the barricade and the houses. Captain Peter Farquharson was the only Jacobite officer who fell in this attack. He received a shot in the leg, and being taken to the White Bull inn, he called for a glass of brandy, and thus addressed his comrades :--'Come, lads, here is our master's health; though I can do no more, I wish you good success.' Amputation being deemed necessary, this brave man expired almost immediately from the unskilfulness of the operator." He was grandson of James Farquharson, 1st of the Whitehouse family, a captain in Invercauld's regiment, and cousin to Harry who fell at Culloden,

though the Highlanders scorned to avail themselves of it, a very considerable number of the English recruits did so, and thus escaped a participation in the final catastrophe.

"Next morning—Sunday the 13th November—between nine and ten o'clock, Carpenter, with a body of 2500 men, all cavalry, reached Preston and joined his force with that of Wills. Now for the first time the beleaguered army saw inevitable destruction glaring them in the face.

"There arose at this dread juncture a vital but characteristic division in the rebel camp. The Highlanders proposed to rush forth and cut their way through the enemy, or sell their lives at the highest bloody price; the English gentlemen began to occupy their minds with possible negotiations for a surrender. If there are circumstances in which a man should hold his life as of small account it is when he has made an unsuccessful revolt.

"This, however, does not appear to have been the view of Forster and his subordinate officers. They opened a treaty with the besiegers, and made anxious efforts to obtain terms of surrender. Their representative, Colonel Oxburgh, socially known to some of the royalist officers, obtained an interview with Wills between one and two o'clock. He proposed that the forces should lay down their arms on condition of being received as prisoners of war, and recommended by the victorious general to the royal mercy. Wills made an answer which was at least candid. He said, 'I will not treat with rebels. They have killed several of the King's subjects, and they must expect to undergo the same fate.' 'You are an officer and a man of honour,' said Oxburgh, 'and I hope that you will show mercy to people who are willing to submit.' Wills made a reply which, though it may sound hard, was honest, and strictly in accordance with his military duty. 'All that I can do for you is, that if you lay down your arms and submit yourselves prisoners at discretion, I will prevent the soldiers from cutting you to pieces, and give you your lives until I have further orders, and I will allow you but one hour to consider these terms.' On being driven to a further explanation he said, 'If I had the inclination, I have not the power to give you any terms, otherwise than by sparing the lives of the rebels until His Majesty's pleasure be further known. If you expect any other terms, return to the town immediately, and I will attack you and cut you to pieces. I will give you but one hour to consider these terms.' In his declaration on the

scaffold Colonel Oxburgh founded on an addition to these indications, in some remarks by General Wills on the royal clemency, followed by the words, 'You cannot better entitle yourselves to that clemency than by surrendering yourselves at discretion.' "

A proposal was afterwards made to Wills to extend the time for surrender to ten o'clock next morning, to which he assented on condition of receiving hostages that no new defences would be erected, and no efforts to escape would be attempted; and the Earl of Derwentwater and Brigadier MacIntosh were selected as the hostages and sent to the royalist headquarters.

As soon as the Highlanders perceived that a capitulation was resolved on, their fury knew no bounds. During the night they paraded the streets threatening destruction to every person who should allude to a surrender, and several persons were killed during these disturbances.

Forster was denounced as the grand traitor, and would certainly have been cut to pieces had he not kept himself close shut up. As it was a Highlander of the name of Murray fired a pistol at him, which would have taken effect but for the timely intervention of his chaplain.

"At seven o'clock in the morning of the 14th November, Forster notified to General Wills that the insurgents were willing to surrender at discretion. Old Borlam, being present as one of the hostages when this message was delivered, observed that he would not be answerable for the Scots surrendering without terms as they were people of desperate fortunes; and that he, who had been a soldier himself, knew what it was to be a prisoner at discretion. 'Go back to your people again,' answered Wills, 'and I will attack the town and the consequence will be that I will not spare one man of you.' After this challenge Mackintosh could not with a good grace remain, and returned to his friends; but he came back immediately and informed Wills that Lord Kenmure and the rest of the Scots noblemen as well as his brother would surrender on the same conditions as the English." *History of the Highlands.*

The trials and executions which followed are matters of common history, and need not be adverted to here except as they concern Invercauld and his friends.

"The most distinguished of the prisoners taken at Preston, among whom were Brigadier MacIntosh and Mr. Farquharson, were conveyed to London in a large body; and their reception in public procession called

from the zealous Whigs a comparison with the august ceremony of the Roman triumph. Tales about intriguing Jesuits, the inquisition, chains, gags, and anthropophagous Highland savages had created alarm and anger in London, and made the Jacobites extremely unpopular. The London mob, though never sanguinary, is sufficiently rude and offensive in its exultation. Until their sickening of the continued slaughter produced a reaction, they enjoyed with boisterous hilarity the fall of the Jacobites, yelling forth ribbald lampoons and jangling harsh music upon warming pans, as symbolic of the reputed origin of the Pretender. Yet the victims had in some measure a consolation for their unpopularity in the warmth of their sympathising friends; and as Jacobite enthusiasm has ever been apt to assume a liquid form, it was observed that day after day and week after week the prisons of London, like favoured taverns at some great fair, overflowed with bacchanalian mirth and revelry."

Whether any distinction was made in respect of the prisons in which the captives were confined is not stated; but while Mr. Farquharson was sent to the Marshalsea, his superior officer, MacIntosh, was assigned to Newgate, whence he made his escape in the following determined manner, as recorded by Burton:—

"Brigadier MacIntosh, remarkable for the grim ferocity of his scarred face, attracted in the captive procession, glances which, through the influence of his formidable presence, had in them more respect than ridicule, even from the exulting crowd. Ere he had been long amongst them, he performed a feat which made him still more the object of admiring awe. While others, like Forster and Nithsdale, escaped by plot or accident, MacIntosh, though in his fifty-ninth year, aided by some stout associates, knocked down the keeper and turnkey of Newgate and rushed forth. Like wild beasts, accustomed to the jungle, who escape from a menagerie, they felt themselves sadly at a loss how to thread the complicated streets of London, and several (seven) of them were taken. Their leader, however (with other seven), escaped abroad, and lived to be a benefactor to his country by promoting its agriculture. The feat was performed on the 4th of May, 1716—the day before the fugitives were to be brought to trial, which would doubtless have found him guilty and sentenced him to execution. The Londoners amazingly enjoyed the pomp of justice assembled next day, to hear that the bold mountaineer had superseded its functions. MacIntosh was decidedly popular among

the Hanoverian mob, who celebrated his heroism in ballads which were not flattering to their own countrymen, in one of which he is thus contrasted with Forster:

‘MacIntosh is a vailiant soldier ;
He carried a musket on his shoulder ;
Cock your pistols—draw your rapper—
Damn you, Forster, for you’r a traitor.
With a fa, la, la.’”

The proceedings against Invercauld were very different. He had been but a short time in the Marshalsea when efforts were made to procure his pardon. On the 13th of April he presented a petition praying His Majesty to delay his trial in view of certain representations that were to be made on his behalf. The trial had been fixed for the 5th of May ; but before that time the prayer of his petition had been granted; and the trial was delayed. He was still, however, detained in prison, and might have been brought to trial. It was in these circumstances that he addressed to the King the petition already referred to:—

“PETITION OF JOHN FARQUHARSON OF INVERCAULD WHEN A
PRISONER IN 1716.”

“To the King’s most excellent Majesty The Humble petition of John Farquharson of Invercauld in the Marshall-sea most humbly sheweth That your supplicant on the 13th of April last presented a Petition to your Majesty representing the particulars of his conduct during the late unnatural Rebellion, that he had the misfortune to be *in Custody* amongst the Rebels, yet *he was so far from contributing to the Rebellion that he was instrumental in very much restraining, and in some measure defeating the treasonable designs and operations of the late Earl of Mar* ; and therefore humbly prayed your Majesty that you would be graciously pleased to direct a Note of Non Prosequi to his then approaching Tryal, which your Majesty was most graciously pleased to refer to your Honble. Privie Council, who, considering the singularity of his case, was pleased to give direction to your Majesty’s Attorney General not to proceed to his Tryle till further orders. That your supplicant has a deep and most just sense of your Majesty’s clemency shown towards him in regarding his singular case and condition ; since which time there are several witnesses come to Town who can give satisfaction to the truth of your Petitioner’s case and that there are many other noble and worthy persons at present in the place to whom several of the facts represented by him to your Majesty are known being in all likelihood to leave London at the rising of the

Parliament which is said to be at hand that your Majesties supplicant has during his imprisonment contracted sickness whereby his health is in danger.

"That for these reasons your Majesty's said supplicant humbly presumes with great submission to beg that the witnesses and others now in the place may be examined to make good the several Facts in his Petition and memorial, and your Majesty may also be pleased to make such farther order concerning your supplicant's liberation and discharge as your Most Gracious Majesty in your great goodness and wisdom shall think fit.

"And your Petitioner shall ever pray for your Majesty's long life and reign over us."

Although no date is affixed to the Petition, it was evidently presented in the month of July or beginning of August, before the Scottish members of Parliament, who were acquainted with Invercauld's peculiar position at the outbreak of the rebellion, and were desirous of his release, had retired from London to their seats in the north.

The following extracts will sufficiently show how difficult the position of Invercauld was at the outbreak of the Rebellion, the estimation in which he was held by the public, and the fortunate result of the foregoing and other Petitions for his release.

EXTRACTS FROM THE PUBLIC NEWSPAPER IN THE CHARTER ROOM AT INVERCAULD.

(No name is affixed to the paper containing the first extract, but it was evidently printed sometime about the middle of August, 1716).

"Wednesday, Mr. Farquharson of Invercauld, a Scots chieftain was set at liberty out of the Marshalsea prison; *He is the same gentleman as [is] often mentioned in the News Paper of September last for deserting the Earl of Mar, when at his House and desputing his measures at the breaking out of the Rebellion (who ordered his servants to be fettered and abused for hiding his arms) but was after forced into the Rebellion, and taken at Preston.*"

"(From the Morning Post at the Postmaster From Tuesday Augt. 14 to Thursday Augt. 16th 1716)."

"London August 16—Mr. Farquharson of Invercauld, a Scots chieftain, *of whom we had so much mention in our News Papers of*

The italics are the Editor's, both in the above, and in the quotations from the newspapers.

September last, about his deserting the late Earl of Mar when at his House, breaking all his measures in the Infancy of the Rebellion, and about his servants being fettered and abused for hiding his arms and ammunition, he being afterwards overpowered, and forced into the Rebels, and taken at Preston, has upon account of his first rare service done the government, justly got a most gracious Pardon, and was yesterday discharged and set at Liberty out of the Marshallsea Prison."

"(From the Morning Post from Thursday August the 23d to Saturday Augt. 25 1716)."

"Yesterday Mr. Farquharson of Invercauld, one of the Preston prisoners, had the Honor to kiss the Prince and Princess's Hands at Hampton Court, by whom he was most graciously received; being introduced to the Prince by Lord Viscount Townsend, and to the Princess, by the Earl of Bridgewater.

"(From the *Post Bag* From Saturday August the 25th to Tuesday Augt. 28. 1716)."

"Last Monday Mr. Farquharson of Invercauld, one of the Preston prisoners, was at Hampton Court, and had the Honour to kiss their Highnesses the Prince and Princess's hands, by whom he was most graciously received; being introduced to the Prince by the Right Honourable my Lord Viscount Townsend, one of the Principal Secretaries of State; and to the Princess by the Right Honble. The Earl of Bridgewater."

It thus appears that from the date of his surrender—14th November, 1715—to his release from the Marshalsea—15th August, 1716—Mr. Farquharson was kept a close prisoner in England; and that within a week after regaining his liberty, he was presented to the Prince and Princess of Wales and graciously received. From the first his case was considered exceptional, and his confinement for 275 days, or rather more than nine months, could not be considered severe.

At the date of the outbreak he was a widower, in his 42nd year, his first wife and her children having all died before 1715, and, as yet, he had contracted no second marriage.

Not long, however, after his return to Scotland, "he married, 2ndly, Christian, dau. of Sir Robert Menzies of Weem and had one dau. who

1 The Editor regrets that he has not been able to produce the matters here referred to, as they would certainly have thrown much light on the tyrannical measures the Earl of Mar adopted to compell his vassals and others to join his ranks, as well as emphasized the already known strain he put upon Invercauld.

died *unn.*" *Burke in loco.* We have no account of this marriage in these *Family Papers*; and from what we learn from the *Estate Papers*, it is evident that the mother, at least, did not survive it many years.

Although Mr. Farquharson's detention as a prisoner in England had not been of long duration, many estate matters had fallen into considerable confusion; and much of his attention for some years was directed to the restoration of order among his tenants and dependents, and to the settlement of affairs that had fallen into arrears, so that family, as distinct estate interests, were much in abeyance, and there is little reference to them. Some of these affairs of long standing were now pressing for settlement.

The estate of Wardhouse, or a portion of it, had been sold by Mr. Farquharson's father, or his trustees, to a John Rose, who changed the name to Rosehill, and some papers relating to the transaction had gone astray. The Laird of Leithhall, who had acquired an interest in this estate, was now pressing Invercauld for the production of one of these documents. The following reply, besides throwing light on the manners of the time, supplies a date not elsewhere recorded:—

"To
The Much Honoured
The Laird of Leithhall
These—"

Invercauld, Octr. 16

"Honoured Sir,

1722.

I received yours, and had a letter sometyme ago from my Lord Forglin about that letter of March ye wreat of, but could never find such a paper amongst my evidents, so that it has certainly been given up by my older brother to Rosehill when he bought the lands of Wardhouse. Sir, upon my honour, I never saw itt, neither know I anything about it, other ways I would send you it, or direct you to the same for yr. just defence. If ye be sure it was registrat att Edr. a litle charge to yr. agent (who) will search the severall competent registers; for all the affairs of importance my ffather was ever concerned in were mostly conducted betwixt the years 70 and 80, he dying in 81. I shall yet make further search mongst some old wreats (but I am afraid to no purpose) and if the same or any thing that can direct to itt bees found, I shall send the same express to yr. hous on or before Christmes. I am very much surprized that

Alexr. Forbes is so long in paying you yr. mōēy. I will very soon see him att Edr., and shall cause him to be (take) Cours with itt. I offer my respects and most humble service to yr. discreet Lady, and you may assure yourself that wherein I can serve you there shall non be more willing than,

Honoured Sir,

Your most obedient, and most humble servant
J. Farquharson."

The Laird of Leith-hall, to whom the above letter was addressed, was John Leith, son of James, first of Leith-hall, who had married Margaret Strachan, daughter of the "great Covenanter," Alexander Strachan of Glenkindie. "By this marriage the Leiths of Glenkindie are descended from the Strachans; and John, 'the Much Honoured Laird,' was the grandson thereof." V. *Davidson's Inverurie* p. 401, and Col. *Allardyce's Strachans of Glenkindie*.

The Alexr. Forbes referred to by Invercauld has not been recognized for certain; but it is just possible that the debt he owed is that contained in an undocketed bond which had escaped observation when stock was taken of the Estate Papers, and which sets forth that:—

"I, Alexander Forbes, third lawful son to David Forbes of Leslie, grant me to have received and reseated from John Leith of Leith-hall, All and hail the soume of ane hundred and eighty pounds Scots money."

The receipt bears date 17th October, 1717, and contains the signature of "Alexr. Forbess," and of the witnesses, Andrew Burnett and James Leith. The impressed stamp, a square surmounted by a crown, bears the motto, "Honi soit qui male pense," surrounding what appears to be a thistle under which there is R. VI Pence.

Invercauld's connection with the matter is explained in the following letter:—

"To
The Laird of Leithhall,
These"—

Sir,

"Invercauld,
Octr. 14th 1717.

The bearer, Mr. Alexr. Forbes, informs me that you can give him the use of some little mōēy upon securty therfore, I give you this trouble, desyring ye may give him fiveteen pounds per loin and take his bond for the same—payable at Whit-sunday next; and if he fails in payment I hereby oblidge me to

be yr. debtor and pay the same upon giving me assignation to Mr. Forbes' bond. This with my humble service to yr. Lady^r is all—in heast from,

Sir,

Your most Humble Servant
J. Farquharson."

Alexander Forbes, who had been borrowing at all hands, fails to redeem his bond; and hence the reference in the former letter to the money as still unpaid. John Leith of Leith-hall died in 1729, and was succeeded by his son, John. Forbes still fails to pay, and the rent (interest) is running up. Mr. Farquharson of Invercauld, who had become, to some extent, security for him, and John Leith, whose father had lent the money, agreed to submit the matter to Robert Farquharson of Finzean and Harry Lumsden of Cushny for arbitration. They give their award; Invercauld pays the sum which they find due by him; and John Leith grants him a legal assignation of the bond, dated 19th May, 1731. Whether Invercauld was ever repaid does not appear; but the whole transaction (and it is only one among several of the same kind) shows how generous was his disposition, and how ready to help the needy often to his own loss.

An event now (c. 1720) occurred which was afterwards attended with the happiest results to the Invercauld family—the third marriage of the Laird. Many of the clan had, at an early period, settled in Perthshire, some of whom had become vassals of the Athole family. Looking to Invercauld as their chief and to Athole as their feudal superior, they formed a connecting link between the two families; but it was not till the '15 that we find the first intimation of their personal intercourse. Lord Charles Murray, a son of the first Marquis of Athole, led a regiment in Borlam's brigade alongside of that commanded by John Farquharson of Invercauld. The two officers were thus fellow-soldiers in the same cause, and afterwards fellow-sufferers, and seem to have formed an intimate friendship. On the other hand, James, one of Lord Charles's brothers, was an officer in the Government service, and, as such, had made

¹ Lady Leith, as she was designated, was "Janet, daughter of George Ogilvie, second Lord Banff, whose son, John, married Mary, daughter of Charles Hay of Rannes, and thereby appended the name of Hay to his son's ancestral name of Leith. His descendant, General Hay of Rannes, was a public man in the beginning of the present century, and was succeeded by his son, Sir Andrew Leith Hay, who distinguished himself in the Peninsular war." *Davidson's Inverurie*.

an attempt to save his sister, the dowager Lady Lovat, from the clutches of the brutal Simon Fraser. The crime committed by this ruffian was too atrocious and inhuman to be almost referred to. An abridgment of the evidence given against him on his trial will be found in "Dr. Arnot's Criminal Trials," pp. 79-91, where it is stated that "Simon, having caused his followers to swear on their naked dirks to be faithful to him as their captain, and never to desert him, kept the Lady Lovat a prisoner for some time in Castle Downie, and afterwards carried her along with them. When the Captain heard that LORD JAMES MURRAY (the Lady's brother) with some gentlemen and *a party of redcoats* were coming to rescue her, he again sent the fiery cross to summon the country to rise in his defence." This happened in the year 1698; and Simon fled from justice and remained abroad till the autumn of 1715 when he suddenly appeared at Dumfries, and narrowly escaped capture by the Athole Highlanders under Lord Charles Murray. The incident is thus recorded by Burton: "On the evening of the day when the town had been thrown into alarm by receiving the Lord Justice-Clerk's warning, a large, square built peculiar looking man, with five followers, all armed to the teeth, entered Dumfries, and sought accommodation at the best inn. Some of the party were Highlanders, and their leader might be either a Highlander or a foreigner; he was certainly not a borderer. The suspicions raised against the party were far from being allayed, when a young member of the Athole family, who happened to be on the spot, recognised in the strange leader the deadly enemy of his house, Simon Fraser of Beaufort, the well-known Lord Lovat. A rumour immediately ran through the citizens that 'the infamous Beaufort,' the man who, for twelve years, had been an exile for his crimes and for his treasons was actually within the town." The citizens were furious, and in the tumult that followed Simon and his party escaped to the Highlands.

Lord Charles Murray was taken prisoner at Preston, and though his life was spared, through the influence of his family, he suffered a long exile abroad; while his brother, Lord James, who had taken no part in the rebellion, settled down on his estate of Dowally, a property near Dunkeld, where, from the circumstances just noted, a close intimacy sprang up between his family and Mr. Farquharson, who, at the date above mentioned (1720), married his daughter, Margaret, who two years later brought him a son and heir. (*See Pedigree, pp. 13, 14.*)

FORFEITURE OF THE EARL OF MAR.

It might be thought that Mr. Farquharson's troubles were at length at an end ; but there was before him a long series of harassing matters that gave him, and his son after him, much vexation in their settlement.

By the forfeiture of the Earl of Mar's estates, honours, and superiorities, the condition of his former vassals was thrown into great confusion. The vassals in the Braemar district were numerous, but none of them held so large a stake as Invercauld ; and hence the trouble in which he found himself involved in consequence of the change in the ownership of the superiorities. Many of the privileges and servitudes enjoyed by the lairds were held, as we have seen, not by written charter but by the verbal promise of the superior. These were now null and void.

In order to understand fully the obligations of the vassals to the Superior and *vice versa* as they then existed, it was necessary to have all the old charters produced and carefully scrutinized ; and many points in them had to be determined by the law courts. Through the forfeiture, the Crown had come in place of the earldom ; and the settlement of most of these troublesome matters might have been more easily effected had it remained so, and the negotiations been conducted between the Crown officers and the vassals—the proprietors. But matters turned out differently.

“The Honourable James Erskine, immediate younger brother of the attainted Earl, and a senator of the Court of Session, had taken no part in the insurrection of the '15. Indeed, he professed to be a zealous supporter of the Hanoverian dynasty, and an advocate of the presbyterian form of church government ; but the honesty of his professions both in religion and politics did not escape question. By some he was represented as a hypocrite and pretender to religion, and as a Jacobite and in the same bottom as his elder brother.” He succeeded in imposing upon “honest Wodrow,” and had sufficient address, in conjunction with Lord Dun, to obtain from the Government on favourable terms the estates and superiorities forfeited by the Earl of Mar. Of course, the price put upon them by the Government was paid, but it was clearly understood between Lord Grange—the title by which James Erskine was generally known—and his tenants, personal and feudal, that the free rents would be for the benefit of the exiled family of Mar.

Lord Grange had no sooner obtained legal possession of these rights

of the forfeited earldom than he proceeded to dispose of them to the highest bidder; and for this purpose he entered into negotiations with John Farquharson of Invercauld, Peter Farquharson of Inverey, and James McKenzie of Dalmore, playing off the one against the other to raise the price.

The following letter, so characteristic of the crooked policy of the writer, was written, as the date shows, while negotiations were going on for the sale of the Mar estates in the north. Lord Grange was, as stated, the brother of the Earl of Mar; and he and Lord Dun had got themselves invested with the power to dispose of the forfeited estates and superiorities for behoof, as was believed, of the exiled Earl's son, Thomas, who reaped but little advantage from their management.

Lord Grange, in a correspondence with his relative, Erskine of Pitodrie (to be afterwards referred to), published in the third volume of the Spalding Club Miscellany, gives, from his point of view, a full account of his transactions with Invercauld, Inverey, and Dalmore, with cynical comments on the character of each. What is proposed in this letter is a clearance of Glenlui in order to enhance the value of the property to a purchaser. The tenants to be evicted were mostly those who a few years before (1715) had risked their lives at the bidding of the man whose brother, with his acquired rights, was now doing his utmost to make them homeless.

"To

James Farquharson of
Ballmoral at

Ballmoral Near the Kirk
of Crathie in Mar.

"Alloa 15 Septer. 1726

Sir,

I have just now yours of the 12th with the Bearer, who has brought the Deer you sent. I'm glad you are gone to meet with Pitodrie and Overhall, and doubt not but you will adjust that matter among you, and therefor I need not say any more of it.

"As to Glenluy, Ld. Dun and I find your Letter of the 26th of August at this place when we came to it last Week. The Directions formerly given as to the ejection are so particular that we need only refer to them, and we desire you to act according to them, and to eject those people after their harvest is over. You may call for George Farquharson of Corlarach, Andrew Farquharson, Auldlaig, James Shaw of Daldouny,

Donald Farquharson of Micras and such other discreet men as you see proper to assist in the ejection ; and, as was formerly written, the more you have along with you there will be the less opposition, these people perceiving it to be vain for them to resist. As I also wrote before, regard not at that time impertinenceys so as to be provoked to do any thing but what belongs to the Ejection, only you may observe and notice such Impertinenceys, if any be offered, and since you are to have people with you, there will be no want of proof, and——punish that Impertinency afterwards in fit season. There are two purposes to be served by this Ejection : that the possession of the Land may no longer be usurped, and, the possession being restored, that the due manadgement of the Woods may meet with no obstruction, and that the Land may be ordered so as is proper for carrying on the Improvement and sale of the Timber ; next, that people may see they are not to be suffered in their illegal Insolence, nor dream that by such doings they can continue their usurpations. And if, by trusting to such methods any of these people come to find themselves unprovided, they have themselves to blame who were legally warned and who have notwithstanding of their Insolence [been] indulged to sit till now ; and they deserve to suffer. However, our view is not Revenge against them but to have the estate presently put in a right way, and that the Country may be duely governed.

“ It will be in vain for James Mcenzie to pretend that he does not countenance them : they are there as his Tenants, and surely none of them can be so stupid as to imagine they may continue there as our Tennants spite of our Teeth ; And Mcenzie’s folly is very great in not freeing us from all trouble in ejecting them, after he has been so often told, even by his own best friends, that he has no Right and has taken wrong measures. I do not see that you need other assistance than such as is above mentioned ——— You know how the General was spoke to for more arms, and informed of the unequal foot we were put upon with our Neighbours. He still affirmed that D. Gordon has but 10 for all his Country, and that any more he got was by the undue dealing of certain persons who were trusted with Licences to give out on occasion. He is very angry at this Abuse, and also at his being imposed upon to give Warrants to such as Dallmore, and is to rectify all before he return to England. He would not be perswaded to give us any but 4 more than we got formerly, which in all make eight, and, if he rectify the Abuses, which he was positively resolved to do, our Neighbours will not find themselves better armed than we are. These 4 new Warrants are at Edinburgh in Major Erskine’s hands, from whom I every day expect them that they may be sent to you. You desire a new order for the Ejection that may be shown to Dallmore [a whole line is here scored out] which I was going to write and enclose, but I am interrupted and care not to detain the Bearer any longer. You have the former order which

is sufficient, and you may show Dallmore such parts of this Letter as concerns him, and further tell him that his causing these people remove without putting you or us to more trouble is the best step he can make after some that have not been obliging. ——— Invercauld said he would have a summe to lend at Martimass next. Ld. Dun and I will have use for it for the affairs of Ld. Erskine. I pray you give him my humble service, and desire to know whether we may depend on it and what the summe will be, which we want to be soon acquainted of.

I heartily thank you for the Dog you are to send me

I am, Sir,

Your most humble and faithful Servant
James Erskine.

15 Sept^r."

James Farquharson of Balmoral was the nephew and successor of Charles, the first of the family to possess the property.^o Charles was the second son of William of Inverey who was the son of James 1st of Inverey. (*Fam. Gen.*) As a young man James had been out in the '15; and as an old man he took an active part in the '45. He was wounded in the battle of Falkirk, and had to take to hiding after Culloden. For the efforts made to obtain his pardon *see Hist. Pa., vol. II., p. 620 seq.* At this time (1726) he was in the prime of life, and acted as baillie over the Mar estates under Lords Grange and Dun.

Glenlui is the valley drained by the united streams of the Derry and Lui-beg, which empty their waters into the Dee a little below the Linn. It formed the principal property of the McKenzies of Dalmore, now Mar Lodge. James, the then proprietor, as a vassal of Mar, had taken part in the late rebellion, and, like many of his neighbours, was ruined thereby. In the traditions of the country, this James, surnamed *Sheamas na pluic*, i.e. *James with the fat cheek*, was slain by the caterans in Gleney in this same year (1726). This, however, is incorrect, as there is evidence that he was alive in 1727; but it is quite true that the McKenzies of Dalmore had for several generations been most strenuous assailants of the Lochaber caterans.

D. Gordon is the Duke of Gordon, whose forest of Glenavon bordered on that of Mar.

James F. was, according to the generally received accounts, the nephew of Charles, being the youngest son, by the second marriage, of John of Inverey. There is, however, considerable obscurity regarding the inter-relationships of the different branches of the Inverey family at this period.

The General referred to was General Wade, who was then engaged in the construction of his military roads in the Highlands.

Invercauld was John Farquharson, "whose bravery at the battle of Preston almost turned the fortune of the day."

From this date (15th Sep., 1726) Lord Grange was incessantly pressing upon the attention of the proprietors the advantages they would derive from the purchase of such portions of the Mar estates as lay contiguous to their own properties. In this course of action he had many private meetings with them individually. Not much written correspondence seems to have been preserved; but the following letter addressed to Inverey sufficiently indicates the position of the parties in 1730:—

"Missive by My Lord Grange and Dun
To Inverey,
17th Feby., 1730.

"Sir,

The reasons we have, for improving every part of the estate of Marr to the best advantage, are well known to you; amongst other things, wherein the interest of the family is concerned, and has been long neglected, is the glens and grassings, wherein you, and some other of the vassals, has the limited servitude of pastures and shealings: these glens being more than sufficient, for answering the servitude upon them, moved us to give the trouble to Invercauld, Pittodrie and others, to visit them, and in this view by souming and rouming, to consider them, and to report to us what number of bestial, they could pasture, over and above the right of servitude; this report is now made us, for our direction, in transacting and treating about that matter.

"We incline to make you the first offer of those glens in which your servitude is, and, upon reasonable terms, to sell you the property of them: if you have an inclination to speak with us on this subject, we do desire you would repair to this place, how soon you can, to be here at furthest in the beginning of March, when we will have time to commune with you about it, and we will endeavour to detain Invercauld, who is at this place, till that time, that he may assist in finishing a transaction betwixt us about them.

"To the same purpose we have write to Dalmore, and to Allenaquoich, you being the only three interested in this matter.

We are,
Sir,

Your very humble servants
James Erskine,
Ld. Erskine.

Edn. 17th Feby.
1730.

Inverey."

Lord Grange's manner of conducting the negotiation is well shown in his correspondence with his friend and relative, Thomas Erskine of Pittodry, as recorded in *Vol. III., Sp. Club Miscellany*, from which the following extracts are taken :—

"Edinburgh 22 March 1730-1

Dear Sir,

The parting with those things in Aberdeenshire gives me a great deal of uneasiness. But what can we do? Better to part with some, and save the rest, than lose all. If Lord E—ne (the Earl of Mar's son) would have done anything tollerably, it had not come to this. But, after so much mellancholy matter, it were too much to enter on that now. The bargain about the forest has gone so oddly, that you should know it.

"We resolved to give the offer to the gentlemen, whose lands lay nearest to it, viz. : Inverrey and Dalmore. The first came here himself, and the other commissioned his brother about it. Lord Dun thought fit to call Invercauld hither, to give his advice, and to him he also proposed to buy the Davach of Castletown, who was for it, but regretted he was to have no share of the forrest, for grazing to it. Dallmore's people have shunned me as afraid, ever since the impertinence of James, last deceast, and applyed wholly to Dun, and Lord Dun in this affair transacted all with Dallmore and Inverrey; and the price he asked, by Invercauld's advice, was fifteen years' purchase of the rent it has been set at these two years passt. At length, Dun, with Inverrey and Charles, came to me, and his share of the forrest, and what he was to pay for the souming and rouming of the sheels and glennings came to ten thousand merks. They pretended not that it was too dear, but said they were not able for it, and had, even on that pretence, proposed before to Lord D. to let them have all for five thousand merks, and when I was there came up to seven thousand; and Lord D., believing that, if they did not, none else would purchase it, nine thousand merks was agreed to on both sides. The proportion of this for his part of the forrest (the same that he has in tack) was four thousand five hundred merks. Dallmore, after much jungling with Lord D. for that part which he has in tack, would not give the seven thousand five hundred merks, which, at fifteen years' purchase, it amounted to; and Dun gave up with him, which he told me in the afternoon; and I told my Lord that I would not consent to his getting another offer of it, but let Invercauld have it, who had been more useful

to us, and might be so still, and had proceeded more handsomely ; to which Lord D. agreed, and I assured Invercauld in the afternoon that he only should be the man. He no sooner parted with me than he told this to Dallmore's brother, who came to me allmost out of his wits ; said he did not think he had given up with Lord D. ; that his brother might leave the country, if Invercauld got this ; and instead of fifteen, had better give fifty years purchase than want it ; and, allmost with tears, begged me to let him have it still. I told him how unworthy he was, knowing the value of it so well, yet to strive so much to beat down the price ; that he had had it several times in his offer, at that low price, and rejected it. He answered that it was only to learn whether Inverey would get an abatement, that he might ask it too. I replied that it was nothing to him though we had sold to Inverrey for sixpence, and, since he had been thus on the sharp with us, he was deservedly trapt. That I had given my word to Invercauld, and would not break it, any rate.

"Then Lord D. and I met with Invercauld and Inverey ; and his brother, Charles, and he, and J. Thomson, were to draw minutes, and Lord D. to go from town next day. The minutes Charles made were perplexed nonsense, like his looks, and I believe like the inside of his head too. Therefore, just before Dun went away, I drew the minutes myself, and sent them to the lairds and their writer, and met with them about two hours afterwards. They were displeased with them, and none more than that bitter little villain Charles. I added some things on the margent, which pleased them ; so we parted, and were to meet next day, and sign when the minutes were transferred to stamp paper. When I came from them, a gentleman, exceeding responsible, told me he heard of the bargain ; that I was vastly cheated by these villains ; that he was not at freedom to tell me his man, nor did I need to care, for he would give me, for Invercauld's part, one hundred guineas above the seven thousand five hundred merks. I told him that I suspected Dallmore was his man, who therefore was still the greater villain, since he had strove to cheat us even of a part of the seven thousand five hundred merks. He would not tell me the man, but in short he offered me four thousand five hundred merks above the seven thousand five hundred, and to give his own bill for it payable at Whitsunday next ; and assured me of a merchant for Inverey's part at a price proportionally higher than Inverey's. I told him that if he had known when they impertinently

sawcily jangled with me about the minute, I could have broke with them, but now could not honourably do it, should he give pounds sterling for merks Scots; that I had never broke my word in any bargain, and never would.

"When Invercauld came to me next day, I told him this; and that we were ill used by all of them, and expected it not at his hands; and would think it very odd if he came not up to the price, or at least made a handsome compliment; but he was deaf. The thing began to be talkt of; and Sir H. P——ne happening to meet the two Invers (Invercauld and Inverey), told them so, and that it filled every body with indignation to see Lord M's family, in the present circumstances, treated so by those who ought least of all men to do so. That, if som others than Lord G. was the man, he would be easy, for there being *locus penitentie* till write intervened, some others would make use of the legall priviledge, which he feared Lord G. would not, believing he was tyed by his word, though not by law; and that it would not raise their characters in the world if they caught the advantage, because he is a man of honor. Inverey and his brother seemed not a bit moved. Invercauld was in a sort of agony, and his lip trembled (as you know it does when he is in great concern), and he hasted to get away from him. Much pains was taken to persuade me I was not tyed in honour; but I hate to drive too near in that point, or to do any thing that looks like shirking and playing fast and loose, whatever be the consequences.

"At length, I again met with the two lairds and writer, the minutes being ready for signing. I composed myself to great calmness, and observed it, though inwardly very angry. But I told them, calmly and plainly, that I was a frank dealer, as they knew, and would, without any commotion, tell them the truth, that I was ill used by them; and Lord D. and I plainly imposed upon, by those we thought that, as gentlemen, and who had received not a few former favours, and still professed great kindness and respect to the familly, would not have hurt it so signally in its present circumstances. They said the rent would never answer in money to the agreed price, and that they would gladly give a nineteen years' tack at a smaller rent; but they acknowledged that they valued the priviledge of killing dear and roe, being heritably deputy forresters, and thereby entitled to the generalls warrands for carrying arms, and were afraid of strangers, and especially men of power, getting the forrest, which

would hurt them vastly, and hoped I would continue so good to them as not to do it. I answered that, as their goodness to me was very extraordinary, it was merry enough to talk so on this occasion; that, if all these things were so valuable to them, and that others would pay for them, why should not they? And they knew that the family could not spare such summes at present. That by holding me to my word Lord M. losst on the forrest about £500 Sterling; and since I took not the legal priviledge of resiling, if they came not up to the price, or made a handsome compliment, I would declare them the most ungenerous men alive; and that I hardly believed there were other two gentlemen in the shire of Aberdeen who would use me so. Their answer was that I had made the bargain with them already. In short we signed the minutes, and left them with that worthy gentleman, Charles, the writer (whom I may probably remember), to be sent to the country to Lord D. to sign them. As I left them, Invercauld was so modest as, with a trembling voice, to entreat me still to get Alnaquoich and some servants of his kept out of the Porteous roll,¹ which before he had desired of me without any concern. When I left these three, they got their cousin, young Finzean, and went to the tavern and made merry.

"Mr. Erskine, the sollicitor, and other friends, got notice of this, and are downright enraged at it, and sent an express to Lord D. with letters, to shew him he is not obliged to sign, and ought not to do it. That I was too nice; for a plain cheat and imposition being discovered before signing was sufficient in honour to loose one from a promise; that he was still at more freedom, not having been present at concerting the papers, nor having then agreed to the bargain, as I had done. That there are things in them which were not talked of with him, and so he was at freedom to sign or not, such as killing deer and roe, building in the forrest, feeding swine in it, &c., and these are things which they say quite evacuates the reservation we made of hunting, &c., since they must quite destroy the game. What Lord D. will do I know not. But I am satisfied, he may, according to strict honour, refuse to sign; and had I thought myself so situated, I would not have signed.

¹ Every reader of "The Heart of Midlothian" may be presumed to be conversant with the history of the Porteous riot. What is worthy of notice here is the circumstance that not merely the smugglers of Fife but also Highlanders, from so remote parts as Braemar, were suspected of being implicated in the proceedings that gave rise to the historic "Mob." Allanquoich and his retainers "might have been turning a penny," whether honest or not, in the Fifeshire smuggling.

"Let me end this long story by another passage. When Lord D. proposed the Castleton to Invercauld, he made some objections to the terms, but it was plain he was for it. I told Dun we should end that with him before he got the forrest, without which he thought none would buy the Castleton for want of grass; and therefore, if both were not ended at once, he might think to put his own terms on us for the Castleton. But Lord D. seemed not touched with this, and hurried out of town. When I spoke with Invercauld about the Castleton, after I saw he resolved to hold me fast about the forrest, he told me plainly that he would not come up to our terms. But he will be disappointed; for I think to get our own terms though his honour should have the forrest; and, if another will but give us as much as he, can any mortall say that his honour of Invercauld should be the man after what has passt?

"I have wearied myself and you with this long narration, because the affair may produce some noise, if Lord D. refuse to sign; and I wisht you might at any rate know all particularly. Since they thus catch at advantages, what is it to us who gets the forrest, if we get the more money? Certain folks coming there may hurt the Farquharsons, but can not hurt us, for they will be our vassals too; and be they never so strange, can not in any occurrence endeavour to impose on us more enormously. And when these gentlemen do so now, what would they not do when they have more power in the country? Would the breaking or diminishing their power there hurt any but themselves, since thus they proceed with us? To pay but twelve thousand instead of twenty-one thousand merks is a terrible odds.

"Earl Aberdeen and others are asking grazings of us.¹

"The letters from the solicitor and others to Lord Dun were wrote and in the hands of the express to go off with them before I knew that any such were wrote, and to be sent to him. It was with some difficulty they told me, fearing I would stop them. But I saw not why I should; and you may see my reasons by what is above.

"I own my fault in not writing back to you about the mony. I knew not what to say till we should see what would become of some bargains; but I ought not to have neglected to tell you so, for which I hope you will pardon me.

¹ The Earl of Aberdeen had quite lately acquired the extensive lands, formerly belonging to the Irvinces of Drum, in Cromar, which being mostly agricultural, his tenants had much need of pasture for their cattle during the summer months.

"As to what I owe on my own account to Invercauld, he wrote to me before he came up, and has here said to me, and indeed very civilly, that, if uneasy for me to pay the wholle at Whitsunday next, he would only ask the half; and we agreed that it should be so. As to that gentleman's procedure ever since I had business with him, it makes me think him a pretty mixt character. He seems still to be the best of them, and to have more of something of knowledge and a gentleman. But there is so confounded a predominancy of Highland vanity, want of right knowledge of the world, averice, and a weak jealous mind that I cannot help thinking on four lines in Rochester:—

'Half learned, and half witty, and half brave,
Half honest, which is very much a knave;
Made up of all these halves, you cannot pass
For anything entirely but an ass.'

"It is not hard to see through all these gentry; for their own vile Highland maxims are become so familiar to them, that you need but set their minds and tongues a-running without contradicting them, and in the heat and run of their discourse, they will tell you all themselves. But I have known others who by their stations and education should be wiser, yet so much immersed in knavery by long prosperous practice, and their minds so debauched and corrupted, that, as if they had losst the very ideas and notions of honesty and honour, they have blabbed out what at least, in prudence and decency, they should have concealed of themselves. I had very strong instances of this sort from both Invers, when in the Highlands in the year 1725. I did not wonder at their conduct. Each of them separately were at pains to explain and vindicate to me their conduct in the year 1715. I had in former affairs seen enough to make me think it like them.¹ But till then I scarcely imagined them so hardened as to repeat their scurvy, ungenerous, dishonourable maxims by way of vindication, and shewing their parts and dexterity. They are certainly such as neither King nor country, benefactor nor friend, can rely on them: but private Highland interest, pursued in the way of the greatest deceit and baseness, will carry them over all these. And it seems those people have not of late only been

¹ He probably refers to the dispute that arose in 1705 about rights of pasturage in the royal forest (see p. 117 seq.); or, perhaps, to the resistance offered to the schemes of Lord Mar when plotting his insurrection.

such. I was still more surprized at the account which Invercauld gave me of his grandfather's conduct, when King Charles II. was at Scoon before the Worcester-fight, when my grandfather by the King's command wrote to him (he shewed me the letter) to bring down the men for his Majesty's service (see pp. 237-238). This behaviour was all the vilest double Highland cunning, which yet the laird spoke of as great wisdom. And it was droll enough that, some days thereafter, talking of Clova's odd freedoms, he told me how once being his bed fellow, he awaked him to tell him that his grandfather had then behaved like a rascal.

"But pray reflect on the conduct of the late Earl of Braedalbane, Glengairy, &c., and you will see that our gentry are not singular in the highlands.

"You will certainly conclude from this I am so angry at what has now happened that all these things come again in my mind. I cannot deny it. But still the things are true.

"But these more public affairs have carried me away from my own business. Since I agreed to pay Invercauld £200, at Whitsunday next, I find I must of necessity then pay £400, and three years' interest for Earl Kintore. The two concurring unexpectedly straiten me vastly, especially since I must so very soon go to London. Could you, by the man you wrote of, who had money then to lend out, or by any other, help me to the £200 for Invercauld? It will be a very great favour, and ease me of a good deal of trouble at a time when I have enough on my hands, at any rate. I'll use no arguments with you to endeavour it. I believe I would wrong you if I suspected you needed them. I am convinced that to some men the bare proposall of doing good offices to a friend is enough. My dear Pitodrie, you are not a highlander.

"How entirely I trust to you, the freedom of this very long epistle shews. Lord send it safe to your hands, and keep it from all other eyes but yours. Adieu, my dear.

Letters for me, under cover, to Thomas Elliot, writer, at the Insurance Office, Edinburgh, will come to me, wherever I happen to be, whether in Scotland, England, or Flanders. If in the last tell me what to say to your son. But letters from this to London, or foreign parts, are very often opened at the post-house. Therefore be cautious. Once more, dear Sir, farewell."

Such were the observations made by a man, notorious for his duplicity and hypocrisy, who was at that very moment engaged in suborning some Highland ruffians to kidnap his wife and carry her away to St. Kilda—an island then as remote from the arm of the law as Melville Isle is at the present day—lest she should disclose secrets that might bring him to the scaffold.

Lord Grange's next letter to Pitodrie, dated 14th June, 1731, is almost wholly taken up with matters relating to disputes in his own and brother's family. The only reference in it to Braemar affairs is in regard to the loan he had asked from his friend in order to enable him to pay his debts. "You was good in taking so much trouble about the £200 I was to pay last Whitsunday to Invercauld. I beg to know what has become of it, and how it now stands." It would seem Invercauld had not been paid according to promise.

Negotiations still went on for the sale of the lands and superiorities of the Earldom of Mar. Mr. Farquharson purchased the lands of Castleton, Glenclunie, &c. as stated in the Estate Papers, and had a charter of them, dated 31st July, 1731. The davoch of Castleton had been an old possession of the Farquharsons, given by Finla Mor to his son, Donald, who afterwards exchanged it for Monaltrie. It had thus remained as the personal property of the Earls of Mar for about 200 years.

Inverey had also purchased some portion of the ancient forest lands as the following somewhat equivocal document attests:—

"BOND: PATRICK FARQUHARSON OF INVEREYE

TO

THE LORDS GRANGE AND DUN, 1732."

"PATRICK FARQUHARSON of Inverye grant me hereby to be justly adebted and resting owing to the Honourable James Erskine of Grange, and David Erskine of Dun, both senators of the College of Justice, All and Hail the sum of six thousand pounds Scots money as the price of that part and portion of the Forest of Mar, and others Disponed by them to me, by their Dispositions to me of the date of these presents, *notwithstanding of the Receipt and Discharge of your said price contained in the said Disposition.* Which sum of six thousand pounds money foresaid, with the due and ordinary rent thereof from and since the feast and term of Whitsunday last by past, notwithstanding of the date of these presents, to the term of payment underwhich, I bind and oblige me and my heirs, Executors and Successors, thankfully to content, pay and deliver to the

said James Erskine and David Erskine jointly, their heirs or Assignees, *secluding Executors*, and that betwixt and the feast and term of Whitsunday next to come, with the sum of One thousand two hundred pounds money foresaid of the expenses in case of faille; together with the due and ordinary rent of the said prinle. sum, ay and so long as the same shall remain unpaid after the term of payment as written. Consenting to the registration hereof in the Books of Session or others competent, to have ye. strength of a Decreet interposed hereto, that Letters of Horning on six days charge and other exells needful in form as effeirs may be directed thereupon and to that effect I constitute.

"My friends &c. In witness whereof I have subt. these presents, written by Harie Maule, son to Mr. Harie Maule, writer to the Signet, on paper stamps, conform to Law at Edinburgh the eighth day of March one thousand seven hundred and thirty two years. Before these witnesses Charles Farquharson, Writer to the signet, ; Francis Farquharson, Writer in Edinburgh ; the said Mr. Harie Maule and Thomas Boyes his servitor, inserter of date and Witnesses.

"Charles Farquharson, Witness.

Harie Maulie, Witness.

Ffrancis Farquharson, witness.

Tho : Boyes, Witness."

"I the within named and designed James Erskine, do hereby grant me to have received from the also within named and designed Patrick Farquharson full and compleat payment of the haill summes within contained and therefore do for myself and for the also within named and designed David Erskine of Dun hereby discharge the same and the within written Bond itself for now and ever. Written and subscribed by me at Edinburgh the fourteenth day of March 1732.

James Erskine."

About the time of his marriage to the daughter of Lord James Murray (1720), Invercauld had acquired from the Athole family the superiority of several of his Perthshire properties, as well as of some adjoining lands which he contemplated purchasing when a favourable opportunity presented itself. It is to one of these that the following communication refers. Spalding of Ashintully was superior of Glentatnich, a fine grazing glen adjacent to Invercauld's property in Kirkmichael, hence his desire to acquire it; but, from previous transactions with Spalding, he did not care to have him as the superior. Both solum and superiority were ultimately acquired by Invercauld. *See Estate Papers, pp. 208 et seq.*

" Kirkmichael the 20th
May 1740.

" Honoured Sir,

I remember that two or three years ago I told your nephew, Mr. Stranus, that I was of oppinione Lord George Murray would weary of the Lands of Downy and might come to dispose of these land ; when Mr. Stranus deputed me to be sure to accquent you in case Glentetnick was to be disposed of seperately ; accordingly Lord George having fully determined to dispose of the whole, The Heir of Downy applied to be allowed to parcell them so that he might have ane opportunity of keeping The Mains to himself for the reversone over, after paying of the debts. To which Lord George hath agreed, and hath allowed Mr. Robertsons of Downie to parcell them out in any shape he pleases, provyding he can make up to his Lordship for the whole the price he payd himself, being 25 years' purchass. He hath, I mean Downie hath, got a merchant for what he doth not keep to himself of the lands of Downy, but cannot bring him to exceed 24 year's purchass for them ; so that he loses a year's purchass of that parcell, but thinks to make it up by Glentatnick for which he expects 27 year's purchass. Barrone Reid and James Spalding, flax dresser in Edinburgh, are both competing for the Glen, but have not an other offer yet exceeded 25 years' purchass, being the price Lord George payd over head for the whole ; and I believe it may end in or about 26 years' purchass. In a few days Downie is obliged to give so much for the price payable (at) Martinmas next, wherefore He will be obliged to end with one or other of them, Saturday next, when he hath appointed a meeting with them at Tullimett. I have therefore run this express to know whither or not you'll incline for the purchass of the Glen, and, If you Doe, Please, Commission and Instruct me, and I shall do my best to procure you the preference. I know you'll not incline to hold of Ashintully (as superior), But to prevent that, you can take it holden Immediately blench of Downie and he to hold it of Ashintully, and you can have a very good right since all the debts as well herle. and imoveable are to be given up to Downey, and you'll have not only his right as heid, but also to the debts for your further security, and besides you may have real Warrandice on what Downie retains.

" After a good deal of struggle and some meetings, I at last ended with Mr. Ogilvie thus : I procured from him an ample discharge to you and Binzean of the process at Edinburgh and of all that he could charge upon, out of the violent ejection, intrusion, and every other thing he could ask either of you or on any other account whatsoever ; and I allowed him to raise the money owing for his crop, being about 100 ld. and gave him ane obligation to pay him in what that wanted of ten guineas ; after compt and reckoning it was found he was not owing you so much and on the other hand, If he owed you more than Ten guineas

he is to give in the overplus — Neither he or I had papers upon us at the time, or we had compled at that time. But he was in a great strait for the money which made me embrace the opportunity of pronouncing his discharge. I am, to meet him next week in order to clear acct's. I am with the greatest respect,

Honoured Sir,

Your most obedient and obliged
humble Sert. Tho: Bisset.

"The rent of the Glens—

100 ld. Scots for Glentatnick, and 20 ld. for Corriebe in all Ten pounds sterling. You'll order the bearer to come directly to my house with your return, and to be sure to be with me sometime, fryday, because, as I have said, I am obliged to meet with the other persons, Saturday."

Lord George Murray was soon to become an historic personage, as General of the Highland army under Prince Charles Edward. He was the fourth son of the first Duke of Athole, and cousin of Mrs. Farquharson of Invercauld, and afterwards father-in-law of young Invercauld.

The following shows how matters were progressing :—

"To The Honourable
The Laird of Invercauld."

"Kincraigie, 13th Jany. 1741.

"Honoured Sir,

The scrolls of all the conveyances are allready drawn and revised by Mr. Craigie and also according to his advice, The Duke of Athole is charged with horning and the services are expcad, so that there is nothing now to be done but the new Charter which Mr. Alexander Murray, as Commissioner for the Duke, is to sign, so that I shall be ready for you whatever time you are to be at Invercauld, whereof please acquaint me sometime before. I shall as you desyre Immediately persue Mr. Ogilvie.

"I find Ashintully's lands must now soon be sold and all his Wadsetters and other creditors are warned that you should be the purchaser, Being affrayd of coming into James Spaldings hands. Please let me know If you'll incline it, and I shall lay myself out to serve you therein accordingly.

"I am, with dutyfull respect,

Sir,

Your most obedient and obliged
humble sert. Tho: Bisset."

In a letter written to Mr. Farquharson, dated Edinburgh, 2nd October, 1740, a Mr. James D. Syme, who seems to have been his legal adviser, after referring to various estate matters, concludes with this postscript :—

“We are alarmed here at a story of sixty thousand french coming from Dunkirk to Dover which gives the utmost speculation to this place.”

The expected death of Charles sixth (October, 1740) gave rise to a great feeling of uneasiness as to the part France would take toward Britain, and especially the view she would adopt toward the Restoration of the Stuarts. This feeling filled the country with strange rumours of war. To this it seems probable Mr. Syme refers in his postscript.

In connection with the superiorities which Invercauld had acquired from the Athole family, there arose some misunderstanding regarding the rights of the superior and his vassals. The matter in question was whether the superior had, or had not, the right to the game on the lands possessed by his vassals. We have seen in the negotiations with Lords Grange and Dun that Invercauld and Inverey tacitly admitted the superior's right to the deer and roe. Here the question was as to the winged game. Mr. Farquharson was the superior, and Mr. McIntosh the vassal and proprietor. The following letter explains the circumstances :—

“Hond. Sir,

I am obliged to give you this trouble at the desire of Mr. McIntosh of Dalmunzie's son, and his Curators. Your servant, Angus Robertson, sometime ago stopt Dr. Arnot from fowling in Glenshie, notwithstanding a signed warrand he had from Mr. McIntosh, and told it was by your express order he did it. Mr. McIntosh was a little fretted with the news of this, and consulted the case with Mr. Craigie, who gave his opinion very positively that he not only had himself a full right to fowl by himself and others upon his own Glens and Moors, but that he could likewise stop all others from fowling upon his hills, the superior himself not excepted. This was Mr. Craigie's opinion and Mr. McIntosh himself had the matter very much at heart, and was determined to write you on the subject. But his Distress put it off for some time, and his Death put a full stop to it at last.

“His son and Curators, Remembering he had the matter so much at heart, appointed me to write you That Invercauld or any of his friends were extremely welcome at any time to fowl upon any of the hills belonging to Dalmunzie, That they don't grudge your fowlers catching

fowls there for the use of your own family, but make him very welcome when he comes for that purpose. But upon the other hand That they can't suffer Angus Robertson's Brother and others, under cover of assisting him, to kill fowls there and carry them to the Mercat; and that they are determined not to suffer Angus or any other under pretence of an Order from you to stop any gentleman from fowling there who has a warrant from the Proprietor.

"This is what I am desired to write. But I must add from myself that I should be extremely sorry to see my Nephew and you engaged in a plea. And I would therefore beg you would take the trouble before you determine yourself, to advise the case. Mr. McIntosh told me My Lord Advocate's opinion as I have narrated it from his own mouth, And he mentioned a parallel case between the Duke of Hamilton and one of his vassals, in which the Duke was obliged to succumb.

"Possibly all this may have been occasioned by a mistake, I mean Angus having no orders from you, as he pretended. But if that was the case he was very impertinent to raise differences betwixt gentlemen without any occasion.

"You'll please favour me with an answer, and believe that I am with great Respect.

Sir

Your most obedient humble. Servant
Rob. Robertsons.

Kirkmichael,
June 22d, 1744."

How the matter ended is not particularly stated; but Invercauld's rule, a generation later, in respect of shooting over his own moors, was exceedingly liberal. It is recorded of an English gentleman, the guest of Mr. Gordon of Abergeldie, that, being very desirous of obtaining a day's shooting over the adjacent moors belonging to Invercauld, and, being a stranger, he did not know how to approach him for permission. Applying to Mr. Gordon for advice, he was answered, "The thing may not be very difficult. We shall call at Invercauld, and if Mr. Farquharson asks you to repeat the visit the thing is done; for he makes it an invariable rule to offer some days' shooting to every guest over any part of his moors." The event justified Mr. Gordon's anticipation.

BROKEN MEN.

The measures adopted by the government to suppress the rebellion under the Earl of Mar had only been partially successful. The disbanding of the Highland army threw upon the country hordes of broken men

who had no visible means of earning a livelihood, and whose only training had been for raiding their lowland neighbours. For a time the presence of parties of Government troops, stationed at suitable posts around the Highland border, had, to some extent, restrained these depredators; but when the soldiers were withdrawn they broke out with more violence than ever. In these circumstances Mr. Farquharson invited his fellow-proprietors to concert with him some measures for the protection of their tenants. The letter is thus docketed :—

“Letter from the Laird of Invercauld to the heritors of the five parishes¹ of Cromar, with those of Aboyne, Glentanner, and Birse, requesting them to meet him at Tarland, and consult for taking measures for protecting the country from lawless men; dated, Aberdeen, 26th May 1741.”

What measures they adopted is not recorded; but as the Independent Companies, known as the “Black Watch,” had quite recently been embodied, it is probable that they appealed to their officers for protection. At least there is a document from the officer then in command to the following effect :—

“OBLIGATION by Ewan McPherson of Clunie, and several heritors on the south side of the Grampian Hills whereby the Laird of Clunie agrees to maintain a sufficient watch for preserving the Cattle of the said heritors and their tenants, or recovering them, if stolen, beginning on 22nd May 1744.”

It would seem that the heritors had to wait all these three years before they received this degree of protection. They had been left to their own resources; and it is to this time that most of the traditions of conflicts with the caterans, still remembered, are to be referred.

In the “Orders” from the 12th to the 13th October, 1745, the following is included :—

“Perthis regiment will furnish a serjeant and 20 men at the (Islay) magazine in Clockmillin Park, under the direction of Mr. Comrie, commissary. My Lord Ogilvy orders that Captain Alexander Farquharson, and Lieutenant McDuff, 2 serjeants, 1 drum, and 30 men, mount the main guard to-morrow, the 13th, at Leith. James Leuchars to be acknowledged serjiant in the 1st Water Esk Company.” *Sp. Club Misc.*, Vol. 2, p. 279.

¹ The five parishes were Coldstone, Logie, Migvie, Tarland, and Coull.

There is quite a number of Alexander Farquharsons of various families about this date, but as the above Captain belonged to the Duke of Perth's (as he was called) regiment, it is probable that he was either the third son of John of Rivernie, who married a daughter of Strachen of Pittentaggert; or, what is more likely, Alexander, who married first Rachel, daughter of Ferguson, minister of Crathie, and secondly Elizabeth, daughter of Farquharson of Bethmore, of the House of Brochderg, whose cousin was the tutor of Invercauld and the author of one of the Genealogies referred to in the Family Tree.

The Rising of the '45 was, in these circumstances, felt to be little less than a relief from the oppression of these broken men and masterful beggars, by drafting them out of the country to fill the ranks of the rebel army. As appears, the proprietors who took part with them were almost all in pecuniary difficulties, and had little to lose and all to gain by a revolution. Invercauld was otherways situated. He had everything to lose and nothing to gain by a revolution. Yet, strange as it may appear, some of his family and many of his relatives took part in the Rising. His son and heir, James, was an officer, as already stated, in the Government service, while his nephew, Francis of Monaltrie (the Baron Ban), threw himself with much zeal into the Jacobite cause; and his daughter, Anne, who had lately been married to the Chief of the McIntoshes, afterwards became signalized by her heroic deeds in the same adventure, while her husband was serving as a fellow-officer with his brother-in-law, young Invercauld, under the Government. In such circumstances was the family placed when the flame of the insurrection arose. The Baron Ban had for some years acted as commissioner to his uncle, and thus acquired a great influence over the tenantry. When he joined the Rebellion Invercauld dismissed him from his service, but this did not prevent his exercising his former authority to command a very large portion of the clan to enlist in a regiment he undertook to raise.

Finding that he could not control the action of his nephew and the other adherents of the Stewart cause, Invercauld shut up his house and retired to Aberdeen; and in the beginning of winter, just before the city was occupied by the Highlanders under Lord Louis Gordon, he removed to Leith, where he remained till the Rising was quelled at Culloden.

- For the same reasons which obtained in the '15, the Family Papers give little or no information of the events of the rising in the '45. These will be noticed, so far as concerns the part taken in it by the Farquharsons, in the MONALTRIE PAPERS.

Mr. Farquharson, who had been a widower since about 1730, married, fourthly, Jane Forbes of Waterton, about the year 1743, and had by her one son, Robert, who became a W.S., and died unmarried, and two daughters, Mary, who married Captain Oliver, and Fanny, who married Dr. Donaldson, of Aberdeen, as already noticed. By his former marriage he had three surviving children, James, his heir, Anne, and Margaret. The last died unmarried. "Anne was the celebrated Lady McIntosh, who assisted Prince Charlie, in 1745, by heading her husband's clan; m. to Eneas Macintosh, of Macintosh." *Burke*.

Throughout his whole life Mr. Farquharson might have been said to have been in trouble of one kind or another. In his early married life he had much to do in arranging the affairs of the Craigmyle estate; he had also to take strong measures in defence of his patrimonial rights pertaining to Invercauld, and that too against the high-handed proceedings of his feudal superior, the Earl of Mar. Some of these have been noticed in the Estate Papers. *Article Corrievouie*.

He had need to be a man of great energy and firmness of character, for he had to deal with unscrupulous people in one of the most lawless periods of Highland history. The vexatious and protracted negotiations with Lord Grange regarding the sale of the forfeited estates of the Earl of Mar gave him much trouble, as above noticed.

It was his fate to encounter the three great Jacobite insurrections—the first under Dundee, when he was a lad of sixteen years of age; the second, under Mar, when he was a man at his best; and the third under Prince Charles Edward, when he was an old man of 72. He was too young to take part in the first on either side; he was not left to the freedom of his own will in the second; and in the third he was too wise and had too much at stake to embark in so hopeless an adventure. Though his sage counsel could not guide the more ardent spirits of his kindred and clansmen, yet no man did more to mitigate the sufferings in which their mistaken loyalty had involved them. This is abundantly



Portrait of James Farguharson of Invercauld

James Farguharson of Invercauld.

Born 1772 Died 1806

evident in his kindness to his nephew, the Baron Ban, and his followers, as recorded in the *Monaltrie Papers*.

He is the first of his house whose name is recorded on a tombstone, and there only in the simple words:—

"Sacred to the memory of John Farquharson, of Invercauld, who died in 1750."

JAMES FARQUHARSON.

What has been ascertained of the early life of this man has already been recorded in the *Continuation of the Genealogy of the Family*, pp. 16-17.

In the troublous times which followed the insurrection of 1745, some delay occurred in his taking the necessary steps to legally serve himself heir to his deceased father. One of the first family matters that claimed his attention related to the Rochallie.

There is a long document headed—

"EXTRACT REGISTRATE DISPOSITION AND DISCHARGE BY MISTRES CATHERINE MURRAY To John Farquharson of Invercauld of her Half of the tenements in Perth and Wadset of Tullimet that belonged to Lord James Murray of Dowally, her father. Dated 6th April 1726."

Catherine Murray was the sister-in-law of John Farquharson of Invercauld, who was then her nearest male relative.

She afterwards married Captain Finla Farquharson of Rochallie, which marriage gave rise to the arrangement by which James of Invercauld became Rochallie's natural heir, as recorded in the following document:—

"Claim for James Farquharson, Esq. of Invercauld. •

"The said James Farquharson claims to be served heir of provision in Generall to the deceased Captain Finla Farquharson of Rochallie in virtue of a disposition and Assignment executed by the said Capt. Finla Farquharson and dated 13th May 1760 whereby failling heirs of his own body he disposes his lands and estate to the Claimant, and also in virtue of a contract of marriage, dated the 31st August 1775, entered into betwixt the said Captain Finla Farquharson on the one part and Katherine Farquharson second lawfull daughter of Paull Farquharson of

Persie with consent of his said father on the other part whereby failling heirs of the marriage or any subsequent marriage the second Finla farquharson by the procuratory of resignation in the said Contract of Marriage settles his said estate upon the Claimant failling issue of his own body And likewise in virtue of a ratification of the said disposition and Contract of Marriage, dated the 6th of November 1776 executed by the said Captain finla farquharson whereby he ratifies the said disposition and recommends to the Claimant to obtain himself served heir of provision in General to him in terms of the foresaid disposition and also the procy. of resignation contained in the said Contract of Marriage ; By virtue of all which the estate of the said Capt. Finla Farquharson has now devolved upon the Claimant the said Capt. Finla Farquharson having died without lawful issue of his body."

The Earl of Fife, who had acquired the greater part of the superiorities that belonged to the forfeited Earldom of Mar, as well as some personal property formerly held by the Mar family, now began to assert his rights as the feudal overlord. His claims were often disputed by his vassals and others, and a litigation lasting over many years was entered into, of which the following letter gives the earliest intimation :—

"Letter by Delvin
6th April 1763."

"Dear Sir,

Your letter of the 25th which came here when I was at Dunkeld, is the first I have had from you for a long time, and till then I was no letter in your debt. Nothing occured this Winter material in your disputed matters with your potent neighbour. For about the middle of the winter Session Lord Coalston adjourned entering upon the reference till the business of the Session were over. Some days after he called on Mr. Stewart and me and explained to us his doubts from the powers given him by the submission, which he thought were too circumscribed, and I readily proposed to amplify them, which Mr. Stewart did at first faintly decline, but thought proper to agree to it, and that his Lop. by his clerk should frame the submission in terms agreeable to his own Inclinations, And that Mr. Ferguson of Pitfour and Mr. Farquharson¹ should be his Assessors and Commissioners if there was occasion for either. All this went on smoothly, and I have seen a Draught of the submission which gives power to the Arbiter to make excambions for the Accomodation of either party as he shall judge reasonable, and to give spots of your ground to Lord Fyfe and of his woods or ground to you for

¹ Probably Finla of Rochallie.

streightening of marshes and avoiding future disputes as he should see just, or to determine any difference of values to be paid in money at his discretion. To all which I presume you will have no objection as I believe you are in very good hands, and if the Peer thinks proper to subscribe so ample a submission, which of course is first sent to him, I have no doubt but you will also show your disposition to Peace by subscribing it, And then we will know from the Arbiter next summer Session, In what form he is to proceed and be prepared accordingly. I'm very glad to hear you intend to be so soon at Marlee, And the occasion of it, To which I wish a happy event,¹ And I hope to have the pleasure of seeing you there in the beginning of May. You would read in the papers or otherwise hear of our friend Genl. St. Clair's death, which stops payment of your lady's Annuity till Mr. Paterson his heir return from Guadaloupi, and take upon him the management and possession of his Estate, which at present is under a sort of Anarchy, and if he is so unlucky as not to return, Sir Henry Erskine is next in Commission and will fall to be your paymaster. I find Mr. Murray and Lady Charlotte intend leaving London early in May in their way home to Dunkeld, Where I was very glad to see the Major so tolerably well recovered, which is a very providential escape. My wife joins in her humble duty to Lady Sinclair and you, And I continue with esteem,

Dr. Sir

your most obedient Sevt.

Jo : Mackenzie.

Edinr. 6th April

1763."

"In Mackintosh's claim for Davochlaggan, after examining Cole McKay, the Crown's lawiers have at last admitted that old Cluny survived the Attainder and dyd. toward the end of July, so that it seems to be little doubted the Judgement already given will be affirmed in McIntoshes favrs. but the advte. who somehow or other heard of Collusion on the part of his informer threatens an Appeal, and for this reason our friends were very well pleased the matter happened to be delayed till the summer Session in hopes there may be time to satisfy the Advtc. before winter that appealing such a case would savour of excess of zeal when the King's Judges in Scotland gave it agt. him."

General St. Clair was the executor of the late Lord Sinclair, the former husband of Amelia Murray, now styled Lady Sinclair, wife of James Farquharson of Invercauld. From the above it would seem that, notwithstanding her marriage to Mr. Farquharson, she still derived an annuity from the Sinclair estates.

¹ This was an addition to his family. Invercauld was 35 miles from medical aid, Marlee was only 3.

The postscript gives us an interesting glimpse into the affairs of the late Cluny MacPherson. While he was in hiding, in 1750, he had a son and heir born to him in a kiln for drying corn, in which the mother had taken refuge after the destruction of their house. At this time (1763) the estate was administered by his uncle, John MacPherson of the 78th foot, who was petitioning the Court for its restoration to his nephew. Old Cluny, after passing 9 years in hiding, escaped to France, and died at Dunkirk in the following year (1756) "towards the end of July."

ARBITRATION: *Invercauld and Abergeldie.*

Like many other hill marches, the boundary line between Invercauld's property, recently acquired in Glencallater, and that of Mr. Gordon of Abergeldie, lying to the south-east of it, had never been very clearly defined in the original charters. It lay somewhere near the watershed between the valleys of the Muick and the Callater; but as there were grazings for cattle and sheep in both glens, disputes between the herdsmen were of frequent occurrence. The proprietors therefore very sensibly agreed to submit the matter of defining the boundary to Charles, Earl of Aboyne, a competent and painstaking mediator. The following is his Lordship's Decreet Arbitral, which seems to have been acquiesced in by both parties:—

"Abergeldie Septr. 12th 1766.

"Gentlemen,

In consequence of your reference to me, whereby you empower me to fix and determine what in all time coming, shall be the March, and boundary between the Glens of Glenbeg, Glencallater, and forest of Bracock, all belonging to Invercauld, and the forest of Whitemonth belonging to Abergeldie. Having viewed the ground in presence of you both, and considered attentively what would be the most equal and unexceptionable, as well as the most convenient March, and Boundary for you both, I do hereby fix and determine it to be as follows. Viz. :—Beginning at the Sky of the Glack, or corry, Lying between muckle and little Cairn Tagart at an equal distance from the said two Cairns, and where wind and weather shears between Glenbeg towards the north, and the Whitemonth and forest of Bracock, towards the south, and from the Sky or head of the said Glack, or corry, as above discribed, down the middle of the hollow, lying between the two Cairns of Muckle, and little Cairn Tagarts, as a small stripe or burn runs down the same, to the Inver of the said small stripe or burn into the burn of little Cairntagert, which runs down along the east side of the said Cairn of little Cairntagert, and

from the joining of the said two burns down the united burn the whole way, till it emptys itself into the Loch of the Duloch.

"It appears to me most probable, from the way the Grounds lie, as well as from what I have always heard and understood, that it is Muckle Cairn Tagart that has been generally held and reputed to be the March and boundary between the Whitemonth on the one hand and the Glens of Glenbeg, Glencallater, and Bracock on the other, and it is therefore in full implement of that clause in the minutes of agreement between you, Gentlemen, which you left in my hands, whereby it is agreed upon, that in order the better to connect together Invercauld's property of the above mentioned Glens, and to open a more free communication between them, more or less ground should be given to him at the west end of the Whitemonth, within what is generally reputed to be the March thereof, That I have now fixed the line of March above described, to be in all time coming, the boundary between you on that hand, but at the same time I declare it not to be my meaning that Invercauld should pay anything for that space of ground lying between the top of Muckle Cairn-tagart and the line of march above described.

"It was my intention to serve you both, Gentlemen, when I undertook to settle the above march between you. I shall be very happy if what I have done meets with both your approbation, all I shall say is, that it has been my study to determine between you with impartiality that I might approve myself to you both.

Gentlemen,

Your most obedient Humble
Servant

Aboyne."

GLENTATNICH: *Grazings.*

The following letter, which seems to have been addressed to Invercauld's factor in Kirkmichael by Dalmounzie's at Cray (see pp. 328-9), relative to their respective rights of grazing in Glentatnich, is quoted principally to show how valuable hill pasture was then accounted in these remote glens, and what numbers of even low country cattle were sent to them for summer grazings:—

"Dear Sir,

I'm favoured with yours Relitive to Glentetnick; as to Dalmunzies selling the Cuthills I am certain he never will dispose of aney pairt of his estate in this country for the reason I mentioned to you which I do not choise to communecate to write, I cannot be positive whether or not he would grant a long tack of the Cuthills, But think it would be of no great consequence to Invercauld if he did, as Dalmunzie's property on the north side of the glen goes as far as he could have on the south side by adversion which would be prepared for Invercauld as his dek would

be straight, I verrely believe by lying out a hundred and fifty pounds to Inclose betwixt the roks and feet of the Glen, Invercauld shair would fence and feed three hundred cattle which at a moderat competation would be a hundred and fifty pounds a year, The cause of knowledge I have of what it would feed of cattle [is] that frequently there was above seven hundred head of low country cattal grased in it besides vast numbers of sheep and horses, and ye may easily believe that the grass which thic eats would feed them sufisently. I'm certain Dalmunzie will willingly divid and buld the half of the march dek which will be an advantage to both and turn the glen to the proper use which it was not formerly. I'll hear joyn in Respectful Compliments to you.

Dear Sir,
your most obedient and
humble sert. Robertson.

Cray 13th Octr.
1767."

As above noticed, and also in the Estate Papers, James of Invercauld had no little trouble in settling claims of pasturage and other servitudes on his recently acquired properties in Perthshire.

The following correspondence is evidence of their vexatious nature and of the distressed condition of some of those he had to deal with :—

" Dr. Sir,

You are severall Letters in my Debt, and this adds to the Number which is occasioned by the Inclosed Anathema by Mr. Beverage in behalf of Mr. McIntosh against which I hope you are in Condition to defend yourself without any necessaty of being (Like Good Mr. Dempster) caught in the fashionable snare of Bribery and Corruption—you have indeed the memoriall he speaks of some months in your hands; you will enable me to give your own answer allow me to Lay hold of the same occasion to wish you Lady St. Clair and all your family a happy and prosperous New year with Every occurence which can add to your comfort.

" You will surely have heard of the D— of Athole and his family's safe arrival at London without Any further Loss than that of two horses on the road which Ribbons, politicks, and Xmas feasts will prevent his Grace from saying [taking] much to heart.

" My wife Joins in her humble Duty to Lady St. Clair and I continue with regard

Dr. Sir,
Yours most obedient Servant
Jo : Mackenzie.

Edinb.' 1st Janry 1768
snowing hard and already deep."

Lady St. Clair was, as above noticed, Amelia, daughter of Lord George Murray, and widow of Lord Sinclair and first wife of James Farquharson of Invercauld, who was himself the nephew of the first Duke of Athole above referred to. *See Genealogy.*

Mr. Mackenzie's pleasant letter is sarcastic over the temper of McIntosh (of Dalmounzie) and facetious over the Duke of Athole's Edinburgh law agent.

"Edh. 21st July 1768.

"Dear Sir,

I propose, God willing, to be in Glenshee next week. I go first to Lithendye and I am really not sure what must be my road from thence. If I could manage it conveniently I would very willingly make you a visit at Kinloch, but on this I cannot depend, as I am pressed to make the best of the time I have. I therefore have troubled you with this to go by the Post from Perth wishing you would be so good as to let me have, if it would suit your conveniency, to give me a meeting in Glenshee, that we might with the assistance of common friends settle that matter about the shealings in Glentatnach.

"I propose staying, if I get leave, two or three weeks in the Highlands, and I take up my quarters at John Murray's, but there will be no difficulty to accomodate you if you come, by the accounts I got of the house when I sent word to bespeak it; and, as I can entertain you no where else in the country at present, I shall do the best I can to make a night or two's lodging agreeable to you there. I am desirous to have this thing adjusted, as 'tis hard to say when I may have another opportunity; and I have been much pressed about it by my people. I am sure you mean nothing but what is right, and it will be indeed a very strong reason that can keep me from any proposition I expect to come from you. But by what I have heard there is no difficulty in settling the matter in such a way as to satisfy both parties, and what is more to satisfy both our people. This I can say for myself, and I look for no other from you. Peace and good neighbourhood are my predominant desires; lawsuits and contentions I detest and with friends and relations I will have no difference that shall spring from me. However, I should think it very fit, if it can meet your conveniency, that we meet upon the spot, for I believe, when well informed, we will be the best referees ourselves. I shall never desire any man to do for me what I ought to do; and most particularly the regard I have for my own professional character will always make me agree with the greatest readiness to whatever is just and reasonable.

"If you will be so good as drop me a line to the care of Mr. Patrick Duncan, writer in Perth, it will be forwarded to me; and if I find I am

to have the pleasure of seeing you in Glenshee I shall accomodate myself to your time, and endeavour to be so prepared before hand that you may have no unnecessary stay in the country. I offer compliments to Lady Sinclair and the young family and with great truth and regard, I am affectionately,

Dear Sir,
Your most obedient
humble servant
R. Mackintosh.

James Farquharson, Esq :
of Invercauld."

McIntosh was a rather difficult character to deal with, and Mr. Farquharson kept a scroll of his reply to the above, which was as follows :—

Marlee, 26th July, 1768.

" Sir,

Last night I received your letter of 21st current. The distress of my family is such at present that it is not in my power to fix a time for the meeting intended. At any rate, as you are to be in Glenshee however, I hope you will be so good as view the Glen attentively and examine their (the tenants') reasons for complaints. Sure I am that I never intended any, and that I am pretty much convinced you will be satisfied there is no cause for such. I hope to see you here as you return from the Highlands when we shall talk over the matter. In material business I have always found it best to have to deal with those who are capable, and one of your penetration will soon see to this trifling complaint.

I am etc."

The adjustment of the claims of Mr. Farquharson of Invercauld as proprietor of a portion of Glentatnick, and as Superior of the whole of it, with those of McIntosh of Dalmounzie, gave rise to a long correspondence between the principals and their agents, of which the following brings out several points of interest, both as regards the rights of property and the social relation between neighbouring proprietors in the later half of the eighteenth century.

Something of the nature of the complaints referred to in the Estate Papers may be gathered from the following characteristic document :—

" May it pleas your Honour.

" We, undersubscribers tenants in Glenshee, finding ourselves hurt by the method Glentatnick is posest, would propose that your honours rent

of twenty pounds sterling would be placed in the following manner. That every man that pays on pound ten shillings sterling of the foresaid Rent should be Intitled to have an hundred sheep with ten horses and cattle on his fairm, and that the man, who has more than said number would pay to him that had it not, five shillings sterling for each score of sheep or turn them off the pasture, and the other (be) allowed to take them els where to make out his number. This method we hop your Honour will approve of, written and signed by us att Spittle this furth day of March 1776.

Donald Lamond,
Donald Fraser,
John McIntosh,
Collen McKenzie,
John Mcintosh,
Charles Mcintosh,
John Lyon,
Robert Ferguson."

The following refers to several matters (affairs in Glenshee among others) which were giving some trouble about this time:—

"JAMES FARQUHARSON, ESQ.
OF INVERCAULD,
MARLEE."

"St. Martins, 13th Oct :
1776.

"Dear Sir,

I had intended to have been at Marlee at this day agreeable to promise, but finding my wife exceedingly uneasie about little James who is fairly in for the chin cough and, considering that any alarm might be hurtful, have put off my being with you untill you return from Marr, should that event take place, which probably will not now be the case as the snow seems to have now got hold of the hills. Meantime have sent you the two duplicates of the Kinaldie Lease¹ to be signed as I hope you'll find it agreeable to your direction—I also send a scroll of the Instrument of Indemption (sic) which I have conceived as (to) much better purpose, so I send it and am better pleased with the manner in which I have now ingrossed the Marches than that I made at Invercauld, as it is plainer—Consider it deliberately and make your observations on the Margin, but it must be sent me soon back as the Principale must be extended, signed and served to the Register by the latter end of this Month—I also forget the names of the servants at Shenvall which can be

¹ This was a lease of the barony of Kinaldie, in Cromar, with the rights (under certain conditions) of proprietor over the tenants—see *Estate Papers*,

got from Donald Lamond att Spittall—I expect the Memoriall about the Servitude in 14 days—I have also ordered a search into the Register for the Decreet of Astriction of the Thirlage and hope soon to find it—

“I hope my not going up post now will be no disappointment as I shall certainly endeavour to spend two or three days with you before I go from here—

“Write by return of the bearer when you expect to be again at Marlee, and I wish you would be still looking for Barron Reid's Bond—Mrs. McDonald joins me in best wishes and respectful compliments to Lady Sinclair and all at Marlee.

I remain

Dear Sir,

Yours sincerely

W. McDonald.”¹

“BARON COURT OF INVERCAULD
RELATIVE TO CUTHILLS.
HELD 14th SEPT. 1781.”

“At Spittle of Glenshee the fourteenth day of September Seventeen Hundred and eighty one years. In a Baron Court of the Estate of Invercauld Held by James Farquharson, Esqr. of Invercauld lawfully fenced and affirmed, He appointed Edmond fergusson of Baledmund to be his Baron Bailly and John McGrigor in Tombey to be Baron Officer, and Charles ffarquharson at Cluny to be Clerk, who accepted and gave their oaths de fideli.

“The said James Farquharson complains against Donald Lamond, Robert fergusson, John McIntosh, Donald fergusson and Alexander McIntosh all tenents in Cuthills of Dalmunzie, That contrary to the nature of their servitude of pasture and shealing on Glentatnick, and Also contrary to an Express agreement made in August 1781, twixt them and Charles ffarquharson, Factor to the Complainer, they did last summer grass at least sixty sheep each, and ten head of black cattle each and ten horses each, belonging to other people, at least bestiale which they Winter on ffarms taken by them in the low country and bring to pasture on Glentatnick in summer Contrary to the nature of their Right of Servitude and express agreement above mentioned, And Produced Execution of Citation at his Instance agt. the forenamed tenents to Compear this day

¹ Mr. McDonald, laird of Rineton, was for long Invercauld's confidential friend and legal adviser. “St. Martins, 5 miles N.N.E. of Perth, is the seat of William Macdonald, Esq. (who succeeded his cousin in 1841), the only son of Gen. Farquharson, who held 22,600 acres in Perthshire and 2800 in Forfarshire. The estate, originally called the Kirklands, was purchased by William Macdonald, W.S. of Rineton, the writer of the above letter (1732), a founder of the Highland and Agricultural Society and a promoter of many useful arts.”—*Ord. Sur. Gaz.*

at this place, and craved that they be ordained to confess or deny the above facts charged against them.

Fa: Farquharson."

"Charles Farquharson and Edmund Fergusson, Compeared Donald Lamond, Tenent in Cuthills who being sworn Depones that he send no Bestiale of any kind to graze on Glentatnick last summer other than were wintered on his possession of Cuthill the winter Proceeding, except twenty six ewes which he wintered in the low country, and likewise six hogs which he wintered in the low country, Depones that in June last he bought a score of young sheep in the south country which he grazed in Glentatnick last summer and proposes to winter on the Cuthills, and this is truth as he shall answer to God.

"Charles Farquharson. Donald Lamond. Edmund Fergusson B."

"Robert Fergusson in Cuthills being sworn Depones that he sent no bestiale of any kind to graze on Glentatnick last summer, other than were wintered on his possession of Cuthills the winter preceeding, except twenty wedders and about ten ewes and a qucy, and this is truth as he shall answer to God, Cannot write otherwise than by Initialles. R. F.

Edmund Ferguson, B."

"Donald Fergusson in Cuthills being sworn Depones that he sent no Bestial of any kind to graze on Glentatnick last summer other than were wintered on his possessions of Cuthills the winter preceeding, Except twenty five ewes, and this is truth as he shall answer to God.

Donald Fergusson.

Edmund Fergusson, B."

"John McIntosh in Cuthills being sworn Depones that he sent last winter to the low country four head of black cattle and four score sheep which he brought back to graze on Glentatnick last summer and this is truth as he shall answer to God.

John Mcintosh,

Edmund Fergusson B.

Charles Farquharson, clk."

"Alexander McIntosh in Cuthill being sworn Depones that he sent twenty sheep to the low country last winter which he brought to graze on Glentatnick summer last, and that he bought last summer fourty wedders as an addition to his flock, which likewise pastured on said Glen and this is the truth as he shall answer to God.

Alexr. Mcintosh,

Edmund Fergusson B.

Charles Farquharson, clk."

"Donald McIntosh in Cuthill being sworn Depones that he lives in ffamily with his Brother John McIntosh who is Tenant in Cuthills and that twenty three of the Deponents sheep were wintered on the Cuthill and Grazed on Glentatnick last summer, also that he wintered forty

eight sheep of his own in the low country and pastured them in Glentatnick summer last, and this is truth as he shall answer to God.

Donald McIntosh,
Edmund Fergusson B.

Charles Farquharson clk."

"James McDougall in Cuthill being sworn depones that he lives in family with Donald Lamond his step ffather who is Tenent of Cuthill, and that he wintered thirty sheep of his own on the Cuthills and Grased them on Glentatnick last summer and this is truth as he shall answer to God.

James McDougall,
Edmund Fergusson B.
Charles Farqrsen clk."

Invercauld had good reason to be somewhat suspicious of the professions of Mr. John McIntosh. There is a very large parcel of legal papers containing 'Decreets of poinding the ground of said McIntosh, in consequence of defalcations on his part and other breaches of promises, which seem to have ended in a Decree of Judical Sale of McIntosh's estates, the summons under which explains, to some extent, the state of matters, and is as follows:—

"I messenger, by virtue of letters of publication and intimation of the roup and sale of the lands, mills, feus, teinds, and others, which belong to John Macintosh junior merchant in London, dated the 30th July, and signet 27th of August 1782, whereof the above and nine preceding pages are a copy, raised at the instance of Simon Fraser merchant in London, and John Fraser writer to the signet, his factor, against the said John Macintosh, and his creditors, do hereby, in his Majesty's name and authority, make due and lawful publication and intimation, to all and sundry his Majesty's lieges, and others concerned, That the lands, and others mentioned in the said letters, which belong to the said John Macintosh are to be exposed to sale, by way of public roup, within the parliament or new session house of Edinburgh, upon the 11th day of December next to come, betwixt the hours of four and six afternoon, before the Lord Ordinary on the bills for the time, or the immediate preceding or succeeding Ordinaries on the bills, or any one of them; and that the same are to be sold and adjudged by the said Lords to the person or persons who shall offer most for the same, but not under the prices before mentioned set thereon by the said Lords: And I summon, warn, and charge all persons having, or pretending to have, interest; and particularly you."

Another large parcel relating to the acquisition of these properties by the Invercauld family consists of DISPOSITIONS of the rights of

pasturage in Glentatnick (Glenshee) from one proprietor to another, and finally of all to James Farquharson of Invercauld.

1. Gilbert Robertson of Drumlochrie to James Ramsey—1725.
2. Sasine on whole—1725.
3. Ramsey to McKenzie—1725.
4. McKenzie to Campbell—1728.
5. Campbell to Murray—1751.
6. Murray and others to Invercauld—1752.

Another parcel contains—

"DIVISION among The Creditors of Mr. Robert McIntosh of Ashintully, Advocate

At Martinmas 1780,"

"7th January 1782,

24th January 1782 Lord Rennet Alt: Elphinstone. Alt: failing to compear. Allows all concerned to see the within scheme of Division and to give in objections thereto if they any have agt: next calling (signed)

Robert Bruce."

LYBELLED SUMS. JAMES FARQURSON OF INVERCAULD, AGT DONALD LAMOND AND OTHERS 1782.

"John Swinton, Esqr. of Swinton, Advocate Sheriff depute of Perthshire

"To Mairs conly. and seally. specially constitute greeting whereas it is humbly meant and shoven to me by James Fergerson (sic), Esqr. of Invercauld. That the said Complainer has an undoubted right and title to All and hail the lands of Glentatnick with the Forests and Grassings thereof, and is in possession of said Glentatnick by pasturing of Bestial of all kinds therein, and using all acts of property and possession of the same, That Donald Lamond, Robert Ferguson, John McIntosh, Donald Ferguson, and Alexander McIntosh All Tenents and possessors of the said lands of Cuthills of Dalmonzie and Donald McIntosh there have of late been guilty of buying sheep Cattle and Horse from other people and from the low country farms which Bestial they did not maintain in the Winter and Spring time, to the said grassings of Glentatnick in the shealing and summer Months tho' they had no right to do so. And last year the said Donald Lamond did during the shealing and Summer Months one thousand seven hundred and eighty one graze on said Glentatnick twenty six ewes and six hogs which he Wintered in the Low Country the winter before, and a score of young sheep which he bought in the South Country, That the said Robert Ferguson grazed on said Glen twenty wedders, ten ewes and a quey during the said space, That the said Donald Ferguson grazed during the said period in said Glen twenty five Ewes, which had not been Wintered on his possession of

Cuthill, The said John McIntosh grazed on said Glen in said Months four Black cattle and four score of sheep which had been wintered in the low Country the winter before. That the said Alexander McIntosh grazed in said Glen during the said months twenty sheep which had been wintered in the Low Country the Winter before and therefor the said Donald Lamond ought and should be decerned and ordained by decreet of me or my substitute to make payment and satisfaction to the said Complainer of the sum of one pound twelve shillings sterling as the grass meat of the said thirty two sheep pastured by him on the said grazings and Glen of Glentetnick in June, July and August last, the said Robert Ferguson ought and should be decerned and ordained by decreet foresaid to pay to the said Complainer one pound ten shillings sterling as the grass meat of the said twenty wedders, ten ewes, and a Quey grazed by him on said grazings during the foresaid space, and three shilling sterling as the grass meat of the said Quey for the said periods, the said Donald Ferguson ought to be decerned by decreet foresaid to pay to the said Complainer one pound five shillings sterling as the grass meat of the said twenty five ewes pastured by him on said grazing for the foresaid space, the said John McIntosh ought to be decerned by decreet foresaid to pay to the said Complainer four pounds sterling as the grass meat of the said eighty sheep, and twelve shillings sterling as the grass meat of the said Black cattle grazed by him on said grazings during the said space, and the said Donald McIntosh ought to be decerned by decreet foresaid to pay the said Complainer two pounds eight shillings sterling as the grass meat of the said forty eight sheep grazed by him on the said Complainers grazings of Glentetnick during the said Months of June, July and August last, and each of the said defenders ought to be discharged and Inhibited from pasturing any more of their bestial upon the said pasture during the Months of June, July and August except what Bestial can be foddered and Wintered on each of their possessions in the Winter time, in time Coming, And for preventing disputes and the like encroachments in time coming it ought and should be found and declared that each of the said three possessions of easter, wester and middle Cuthills can only fodder and winter yearly four work horses which each of these possessions keep for labouring their ground, two followers (foals), twelve head of Black Cattle young and old, and one hundred and twenty sheep upon each of the said three possessions of Cuthill and it also ought to be found and declared by decreet foresaid that each of the said three possessions of easter, wester, and middle Cuthills are intituled to pasture the said four horses, two followers, twelve Black Cattle, young and old, and one hundred and twenty sheep upon the south side of the foresaid Glen of Glentatnick, and no more during the said months of June, July and August Allenarly and at no other time yearly in time coming, and each of the said defenders ought and should be decerned and ordained to pay

to the said Complainer ten pounds sterling in name of damages and expences of plea attour the expence of extracting the decreet to follow hereupon after the form and tenor of the laws and daily practise of Scotland used and observed in the like cases in all points as is alledged, Therefor it is my will and I charge you that on sight hereof and in his Majesties name and authority and mine lawfully summon the said defenders personately or at their dwelling places on six days warning to compear before me or my Substitute in a Sheriff Court to be holden by either of us within the Tolbooth of Perth the . . . day of . . . in the houre of cause to Answer at the instance of the said pursuer in the matter before lybelled with certification and According to Justice as ye will answer to me Thereupon the which to do Tesmitt to you and each of you full power by this my receipt subscribed by my Clerk of Court at Perth the twenty first day of May one thousand seven hundred and eighty two years.

James Murray, clk.

"Form of Summons.

"Upon the twenty third day of May seventeen hundred and eighty two years at command of the Sheriff of Perthshire and his &c. passed at the instance of the within designed James Ferguson (sic), Esqr. of Invercauld and by virtue thereof etc, summoned and in name and authority of the foresaid justices the underwritten designed Donald Lamond, Robert Ferguson, John McIntosh, Donald Ferguson, Alexr. McIntosh, Donald McIntosh to compear in a sheriff court to be held within the Tolbooth of Perth the fifth day of June next to come in the turn of cases to answer at the Instance of the said persuer, or to show cause why they should be absolved. Delivered this said day by me,

John Jameson."

DEFENCES FOR DONALD LAMOND AND OTHERS TENANTS OF THE TOWNS OF CUTHILLS ON THE ESTATE OF DALMONZIE, IN CAUSA JAMES FARQUHARSON, ESQR. OF INVERCAULD."

"The Defenders are intire strangers to the pursuers right to the Glen lybelled, and therefore, before procedure in the Cause, he ought to produce his title to persue, and the Defenders be allowed to see the same.

"The Towns and Lands of Cuthills occupied by the Defenders are part of the Estate of Dalmonzie, the property of John McIntosh of Dalmonzie, merchant in London, at present under sequestration of the Court of Session. The Defenders are unacquainted with Mr. McIntoshes titles to these lands, but they have been informed, that he has right to these Lands, and all the parts thereof commonly and the privilage of grassings, shealings and fawal belonging thereto, on the Glen of Glentatnick lybelled, and all and sundry, parts, pendicles and pertinents belonging to the said Lands of Cuthill, conform to use and wont; and

accordingly the defenders and their predecessors, tenants and possessor of the said lands of Cuthills, have been in the constant, peaceable and uninterrupted possession of these Lands, and exercising all acts of property thereon, and in the said Glen at all seasons, when the weather would permit, by pasturing their whole bestial in the said Glen, building and keeping shealings, and casting peats turf, fawal, and pulling heather for the use of their families therein, for these seven years past at least, nay even for forty years or upwards, and as they have not access to know or see the proprietors rights, and this process appearing plainly to be an attempt, to alter and divert the former mode of possession, and to narrow and simile the same, the Defenders plead, that the pursuer ought to call the proprietor to the Lands, or his Creditors, to produce their title deeds, and to be heard upon and dispute their rights to the Lands and Glen, and be sisted as parties to the action, more especiallie as the ffactor named by the Lords (for reasons best known to himself) has Declined to have any hand or concern in the matter, or give them any assistance therein, tho' he is the only person at present that has the oversight of the Estate, so that the Defenders are in the greatest Dilema how to behave, or defend themselves in an action carried on against them by such a powerful man as the pursuer.

"The Defender Donald Lamond possesses the easter Town of Cuthills and keeps one plough and four horses for it, and two horses for his harrows, but before his entry this Town was possessed of two Tenants, who had two ploughs upon it and eight horses.

"The midle Town of Cuthill is possessed by Alexander McIntosh and Donald Ferguson equally, who have two ploughs and eight horses thereon and

"The Wester Town is occupied by John McIntosh and Robert Ferguson equally, who keep two ploughs and eight horses.

"And all the Defenders and their predecessors have been in the constant practice of keeping and pasturing the foresaid horses, and all the Cattle, sheep and other Bestial belonging to them, and having their shealings in the said Glen yearly, without opposition. They put out their bestial to the Glen, as early as the grass is grown up, and the season will allow, sometimes in March, sometimes in April and May, and they remain there all the summer season, and in harvest, and till the frost sets in, or the snow falls on the Ground, and if they were not hindered by the season they apprehend they might keep them there the whole year round, and they have done so with their wild horses, when they had them and they know no reason either for restraining them from the pasture during the whole year, or for limiting or restricting them to any particular number of Bestial, or bringing them under any restraint what so-ever than according to use and wont.

"The defenders take in no grass bestial into the Glen, only if at any time they are obliged to send any of their Bestial abroad in winter, it is from necessity and not choise, When their fodder is like to fall scarce and because of the rigour and severity of the season. But this can have no effect to weaken their right to pasturage in the Glen the whole year and for this they refer to a Decision of the Court of Session, 4th Jany. 1760.

"Several of the pursuers tenants in the neighbourhood of the Glen have shealings therein, and pasture their bestial promiscuously with the defenders, and for severall years past his tenants of Tomb and Cams, have brought thir cattle to the Glen, and erected sheallings for them therein tho' they were not in use to come there formerly, or to have shealings—And the Prosuer for this last year, 1781, has introduced his tenants of the lands of Cronicherie, Gormal, Lagnagrain, Craigderrig and Clachernan, which he lately purchasèd, into the Glen, where they had no right or priviledge formerly and allows them to pasture therein, whereby the Glen is overloaded, and the defenders pasture right and priviledge is much restrained and encroached upon to their great hurt.

"Upon the whole it is hoped that your Lordship upon considering what is above set furth will find that there is no foundation for the present process, and that you will dismiss the same and acquitt the Defenders Donald Lamond, Alexr. and John McIntosh, Donald and Robert Fergusons therefrom, With costs and that you will Inhibite and Discharge the pursuer from allowing his Tenants of Tomb and Cams, and also his Tenants of the other five Towns above mentioned lately purchased by him to pasture their Bestial in the said Glen, whereby the Defenders right, priviledge and servitude may be lessned, straitned or incroached upon.

"As to the Defender Donald McIntosh the case is that his father died a few years ago and he has continued with his brother John in the Wester Town of Cuthills.

"He had some sheep which he grassed with the pursuers tenants for different years, and paid therein the grass meat, at the rate of 3d. each. He happened to be in a fever and distressed in spring 1781. and had not access to speak to the Tenants to take them into the grass that season till it was too late. And they said they could not take them in, as their Quata was filled up, however he sent his sheep being forty eight in number to the Glen that year, where they were grassed, but not by any authority from the other defrs. and he is willing to pay the grass meat of them, at the above rate to the pursuer or his tenants and offered to do so accordingly, but it was refused.

In respect whereof, &c.,

Perth 11th Junc,
1782,"

The matter however did not end so soon, but continued more or less to strain the relations of the interested parties, as appears from the following letter :—

“ Dear Sir,

I am desired by Miss Farquharson to acquaint you that Mrs. Farquharson of Persie died yesterday morning at 8 o'clock.

“ I think you should write Jon. Rutherford, your Doer at Perth, to raise an action before the Sheriff against the tenants of Cuthills without loss of time—more especially as Mr. John Fraser, common Agent in the sale of Dalmounzie, is of opinion that these tenants exceeded their privileges of Shealing on your Glentatich. If Mr. Rutherford will give me notice I shall Direct an Officer to sight (cite) the tenants, and at the same time, shall explain to him your Intention, by taking Decreet against them, to prevent former undue encroachments being laid hold of by any after purchaser to hurt your property ; and that therefore a *small* sum by way of penalty is to be claimed, which is to be *exacted* and *levied*.

I am with true esteem,

Dr. Sir,

Your most obednt. humle. Servt.

Edmund Fergusson.

Persie,

12th March

1782.

To James Farquharson, Esquire
of Invercauld
At Leith.”

The lordship over a property then carried with it many privileges besides the receipt of the feu duties. It was asserted by the Superior that he had a right to the game and the natural grown timber, and also the fishings on his vassal's property, unless these were specially disposed of in the original charter granted by him or his predecessors. We have seen somewhat of the trouble this claim gave rise to between Invercauld, the Superior, and his vassal, McIntosh, in regard to the Glentatnich grazings.

PATRONAGE OF PARISH OF LOGIE COLDSTONE.

Although the patronage mainly followed the possession of the teinds belonging to the church, it was also, to some extent, mixed up with the teind-bearing lands within the parish.

The following correspondence, besides throwing some light on the character of the parties to it, affords a curious illustration of the grounds, on which the rivals founded their claims to the patronage of the church and parish of Logie-Coldstone.

“Copy Letter : Lord Aboyne to Mr. Thom, advocate in Aberdeen.”

“Aboyne Castle, 28th April 1778.

Sir,

You may be assured your having communicated to me by your letter of 24th Instant, which I had the pleasure of receiving on Sunday last, a paragraph of a letter from Mr. Farquharson of Invercauld to you, shall neither be misunderstood nor misconstrued, that would be but a bad return for what I consider as an act of Friendship both to him and me, which on the contrary deserves our thanks, and I pray you to accept of mine. I freely acquit Invercauld of any imputation of failure to me in point of civility and good manners, since he says he did answer my letter, I know him to be a man of strict veracity, and therefore do not entertain the smallest doubt of the truth of what he asserts, but at the same time I must observe I think he was by much too dilatory in giving me this same answer ; for where the indelicacy could be of doing it in Mr. McInnes's lifetime, or why it should have been less necessary then than after his death are points too fine spun for my dull comprehension to easily take up, he might, I think, have wrote me an answer at that time, said a thousand civil and obliging things both to Lord Aberdeen and me and expressed at sametime, the utmost tenderness and delicacy towards the honest good old man, whose feelings, perhaps easily hurt in his weak and languishing situation, it would seem he was afraid of shocking by taking any step towards the appointment of his successor ; had Invercauld given this single reason alone for not coming under any engagement, if he did not choose to come under any ; It would have of itself been a sufficient and civil appology. It is very astonishing and unaccountable to me, for what reason Lord Aberdeen did not send or deliver Invercauld's letter to me, or ever mention to me his having received it, Tho' I know he did acknowledge his having received the one in which Invercauld says mine was inclosed ; why he made Invercauld no answer to it I think is not easy to conceive, he may very possibly not have considered it, after such a lapse of time as an answer to the letter I wrote Invercauld in his name and my own, but as a distinct application to him for his concurrence, a respectable (sic) concurrence of Heritors becoming then a very desirable circumstance to him in the settlement of his presentee, as the Royal presentation was by that time issued in favour of another person, and, as in that view of the matter, it may have appeared to give (the view) that Invercauld had taken no proper notice of his joint application and mine

to him in favour of Mr. Farquharson; but be in that what will, since Invercauld says he meant no slight or incivility by not answering immediately my letter, I am perfectly satisfied he was guilty of none, the intention in such matters is all in all, and where no such thing is intended, no such thing can, I think, fairly be supposed to exist. That my intention in writing that letter was neighbourly and Friendly is, I think, beyond all doubt certain; I wished to serve my Friend, Mr. Gordon, but at the same time I also wished to shun, if possible, having any question or dispute with Invercauld, and therefore to reconcile these two views, I was willing to strengthen his title to the Patronage at the expense of my own, which I fairly and honestly confess I looked upon at that time to be a very exceptionable one being perfectly ignorant in what it was founded, and supposing it to have no better foundation than a bare insertion, by some means or other, into my charter. I have since found, on a proper and more accurate investigation of that matter, that my title to the Patronage is better founded than I imagined; how far it may be preferable to Invercauld's The Court of Session will determine; but why such a question at Law happening to arise between us should make any breach or create any coolness in our behaviour or intercourse with each other is what no good reason can, I think, be assigned for. I profess on my part my desire to live in the same neighbourly and friendly footing with him I have always done, and any change in it to a cooler or more distant one shall not, I declare, begin on my side. I have already taken up much of your time I therefore shall hasten to add, less by way of commonplace conclusions, than in conformity to truth and matter of fact, that I am with real esteem,

Sir, your most obdt. humble. Servt.

(Signed) Aboyne.

"P.S. May I ask the favour of you that when you communicate Invercauld's answer on this subject, you may also, in order at same time to do me justice, also communicate mine, contained in this letter. I conceive you may do it very consistantly with your duty to him as your client otherways I would by no means ask it."

The circumstances of the case were briefly these: At the passing of the "Patronage Act," 1711, the minister of the united parishes of Logie and Coldstone was Mr. Thomas Alexander, at whose death in 1715 it fell to the patron to present a suitable person to the charge; but as there were three claimants for the right of patronage, namely, the Crown, the Earl of Aboyne, and Mr. Farquharson of Invercauld, the presentation was delayed till it fell to the Presbytery, *jure devoluto*, to make it. They appointed the Rev. John Shepherd, translated from Midmar. The claims of the rivals for the patronage were thus for the time left in abeyance,

At Mr. Shepherd's death in March, 1748, the Crown presented (19th October following) the Rev. John McInnes, translated from Crathie, who "died, FATHER OF THE CHURCH, 21st October 1777." In his old age a movement was set on foot by the Earls of Aboyne and Aberdeen, who were considerable proprietors in the parish, to have an assistant and successor appointed to him. They wished to get the concurrence of Invercauld, who was the largest heritor, to this scheme, which gave rise to the foregoing letter and the correspondence to which it refers. The Earl of Aboyne's object was to obtain the appointment for the Rev. Thomas Gordon, who was then colleague and successor to the Rev. William Forsyth, minister of Aboyne. At first the Earl, as he states in his letter, did not lay claim to the patronage, which Mr. Farquharson all along had done, and, on the death of Mr. McInnes, presented (13th December, 1777) the Rev. Robert Farquharson, translated from Kirk-michael, to the living of Logie-Coldstone. On this the Earl of Aboyne urged his claim to the right of patronage, and appealed to the Court of Session. This arrested the induction of the presentee for a time, and gave rise to pleadings (information as it was then called) before the Lords of Session. Many pleas were brought forward, among others the possession of teinds, the superiority and extent of the lands owned by the several litigants, and the amount of their rentals. The following note and memorandum have reference to these pleas.

At length the Court of Session decided that the patronage of the united parishes alternated between the Crown, as the successor to the forfeited rights of the Earl of Mar over the parish of Logie, and Invercauld as the Superior and proprietor of the greater part of the teinds of the parish of Coldstone, as well as on other grounds; and as the Crown had made the last presentation, that of Invercauld to Mr. Farquharson was sustained, and he was inducted, 3rd November, 1779, nearly two years after it was issued.

"NOTE IN THE COALSTON PROCESS."

"As to the extent and boundaries of the country called Cromarr, Invercauld after being at a good deal of trouble to ascertain them and, finding that the accounts he has received not only differ very widely from one another but also from his own opinion, he therefore declines giving any account which seems so difficult to be ascertained, particularly as he does not think this matter of any great consequence in the present cause.

"As to the vacant stipend of Colston, how it was disposed of, Invercauld has as yet got no notice, but as he understands that Mr. McInnes was settled soon after the vacancy he believes it was of little consequence, and is likewise inclined to think this appointment of no great importance. And, on the whole, sees so little in the condescendance given in for Lord Aboyne and Mr. Gordon that he hopes the cause will soon receive a favorable decision."

"MEMORANDUM IN REGARD TO THE PROCESS OF THE PATRONAGE OF COLDSTONE."

"Invercauld was superior of the Grodies till lately when Lord Aboyne got the superiority in excambion for a part of his Lands and superiority in Glenmuick in the year —. But Lord Aboyne pays tiend duties for Grodies to Invercauld as titular of the tyths £3 : 1 : 1¾, and for Black Miln, £2 : 15 : 6¾, and for Water of Ern : 16 sh ;, and for Tullich : 11 sh ½, in all £7 : 4 : 5½.

"Tho' Lord Aboyne claims by his Charter being not only Patron of the Parishes mentioned there, but also to be Titular of All the Teinds in said Parishes he always pays Invercauld as taxman of Tyths from the University of Old Aberdeen £6 : 19 : 9½ of Great Tiend Duty for his Lands in Glenmuick and Glengarden Parishes, and £14 : 5 : 4⅞ for small Tiends in these Lands as fixed by a process of Valuation with the University of Old Aberdeen raised about ten years ago at Lord Aboyne's instance, before he acquired the Patronage of Glenmuick and Glengarden from King's College; this is beside all the properties not in these Parishes paying great and small Tythe to Invercauld as Taxman of same as above."

LORDSHIP OF BLAICHLIE.

Another matter that gave Invercauld some trouble about this time (1780), was in respect of the validity of his title to some lands in Glenmuick, which his father, John Farquharson, had bought as early as 1712 — *See Estate Papers, Art. Braichley*. It would appear that when these properties were purchased by Invercauld, the Earl of Aboyne considered himself to be the Lord Superior of them, and, as such, granted in legal form the deeds necessary for the conveyance of them to the purchaser, who was henceforth to hold them of the Crown. The Duke of Gordon now claimed the superiority of the lands, and disputed the right of the Earl of Aboyne to grant any such title. The following correspondence was the consequence:—

"D. Sr.

I have received your letter and although the information about Corrywrack may have differed, yet I doubt not but all that hapned

on that occasion may be accomodate to all parties' satisfaction without Law Suits; I hope His Grace the Duke of Gordon will be at Aboyne in May next, and I am willing all differences to you and any other of my neighbours may be then adjusted. You may be sure I'll design'dly invade no man's right, but will endeavour to observe such a just correspondance as still ought to be betwixt me and my neighbours, and I'll expect the same from them, which will contribute to their interest and that of

Sr.

your most humble Servant
Aboyne.

Edn. Feb. 25th 1719
I offer my humble serv'ce
to your Lady."

• "Aboyne, 29th May, 1721.

"Sir,

I have in compliance with your desire perused and deliberately considered your orignorall feu contract betwixt the Earl of Huntly and Gordon of Braickly and am so far from finding in yt. contract any ground to alter my former resolutione of continuing my possession of ye Land called ye Kirn that It still further confirms me in the oppinion yt. I've the only undoubted property of these Lands and yt you have as now no pretence of ryt or Title to ym. I am sure yre is not Least mention of the Kirn in all yt feu Contract nor anything that can import its being intended to be conveyed to Gordon of Brachlie, your Author, you seem indeed to insinuate yt it's a pairt of the Sheeling called hospitall or Spittall Haugh (to which however I likewise think I've some Ryt as I shall afterwards observe) but it would appear reilly strange if under ye denomination of so small a piece of ground as sd Spittle Haugh there should have been conveyed such a Large tract of ground as the Kirn without any special mention of It. on ye contrary I look upon my predecessors constant possession of these lands to be ane undoubted evidence that they were not part of the Spittall Haugh, but belonged alternately to them and I must therefor be forgiven to maintain my possession of these Lands until ye Contrary is made appear by better vouchers and evidences yn any I've hither to scen. And this, Sir, leads me to another part of your letter concerning my selling the Spittle itself, qch you seem to think by right means justifiable. I very much disregard (the) low and mean Insinuation you make of the occasion of My ffathers setting these lands, since he did nothing but what his Right sufficiently warranted him to do; and yt if quarrel'd I doubt not abundantly to justifie. You own and Rightly yt you have no more, but a servitude on Linsdrum or Lyndrum and if you look into the above named Contract you'll find you have no more in all the Forest of Braca

qr of the Spittall Haugh is a part than if your Servitude is preserved intirely to you in Reserving so much as will serve your own cattle. I hope yre will be little disputed yt my ffayer cou'd warrantably dispose of the lands as he thought meet and yt I could doe the same providing I doe not prejudyce your servitude qch is certainly abundantly consistant with the Selling of Spittle in Tack. This is what my ffather judged to be his ryt and possessed it as such. I cannot help being of the same oppinion and yrfor am persuaded you would yourself blame me if I should voluntarily depart from it unless it is determined against me in Law. I doe at the same time Heartly agree that these disputes be removed in a friendly manner; and for that purpose I shall go into any reasonable measure you will propose, but you cannot expect yt as a preliminary I shall before any determination in the matter Family up a right qch I not only possess now myself but has for many years been peaceable possessed by my pretdecessors but I must in the meantime till ye point of Rights is determined continue my possession in the same manner as formerly.

I am
Sir

Your Humble Servant
Aboyne."

"P.S.

As to ye lands of Corrievrach I will certainly keep my promise of not proceeding any further in that matter till my Majority, tho: at the same time I am so far from being convinced by what you spoke to me on that subject that I had been formerly imposed upon in it That I am mor and mor persuaded of the quite contrary. I'm sure there is not ye least mention of it in the contract no more than there is of the Kirn.

"I had almost forgote to observe ane other provision in the contract yt the sheallings should not be removed higher up the forrest than they were at ye date of the contract; you know how well yt has been observed and what damage the not observence of it has done of the fforest and therfore I must expect you'll take care to have the abuse remided."

The writer of these letters was John, third Earl of Aboyne, in whose house the scheme of the insurrection of 1715 was concocted; and the recipient was John Farquharson of Invercauld, who as we have seen (p. 298), was somewhat unceremoniously excluded from the meeting of the leaders held there. The relations between them, not very cordial before, had become more strained after that event. Invercauld blamed Aboyne, whether justly or not, for having instigated the harsh measures which the Earl of Mar adopted to force him into the rebellion. Earl John died in 1732, leaving his estates and honours to his son, Charles,

a boy of six years of age, under the tutorship of his uncle, the Earl of Strathmore. John of Invercauld survived till 1750. The relations between their sons, Earl Charles and James Farquharson, were of the most amicable character throughout the whole of their long tenure of their respective estates.

The letters are inserted here as showing the grounds on which the Duke of Gordon founded his claim to the superiority over Aboyne's lands in Glenmuick, and, by consequence, over such of them as Invercauld had recently acquired.

"Eding. 29th Novr.

"Dear Sir

I had the pleasure of yours yesterday^a by Monaltre and Bruzie and sealing up your letter called this morning upon the Peer of Aboyne, found him alone, and on opening of it he read the contents over aloud to me. He first expressed his surprise at the demand, saying that he imagined you was long ago satisfied he had done everything in his power to comply with your request—That he had made every reasonable proposition to the Dukes of Gordon tho' to no purpose. I only mentioned to his Lordship in general that it was clearly part of the bargain that you was to hold these Lands of the Crown and that as your demand was certainly reasonable and explicate it was a good handle for him now to press the Duke to a determined answer as from the tenor of the letter you seem resolved to put off no longer—He said nothing in reply but that he would write you and make a fresh application to the Duke and there our conversation ended as some people came in upon us—I judged it right to let you know in course what passed at our conference and have only time to add that I ever am

Dear Sir

Yours obediently
W. McDonald."

This letter, undated as to the year, must have been written about 1780, since it was about that time that Mr. McDonald, W.S., began to conduct Invercauld's legal business in Edinburgh.

^aMonaltre was the "Baron Ban" of the '45; and Bruzie was his nephew and successor, Wm. Farquharson.

"Perth 24th November 1786.

"Dr. Sir

Herewith I send you a letter to Lord Aboyne relating to the

business I mentioned when I seed you last, I have left it open for your perusal; you may think it proper to take a copy of it. Put a drop of wax under my seal before you deliver it to his Lop, and desire his answer which you will forward to me. From circumstances this matter has been too long delayed, so that now there is no time to lose, pray write me what passes on your delivery of the letter, for his Lop will readily then impart his mind to you.

I always am

Dr. Sir, Your most humble servant

Mr. William McDonald, Writer to the Signet."

"Perth 18th Decr. 1786.

"Dear Sir,

I received both your letters of the 23rd and 29th Decr. On reading Stormount's petition and your answers, nothing occurred or you should have had notice from me sooner, as far as I can judge from the small knowledge I have of particulars your answers are full and distinct, and I hope will get us all rid of a troublesome man.

"I find by the Earl's answer to my letter that I must be involved in a process with him. I intend writing his Lop again but as our correspondence may be presented in the process I shall delay until I see Monaltrie who was present at all that transaction and may be of service in recolecting circumstances—I always am,

Dr Sir,

Your most humble servant

Wm. McDonald."

"Perth 6th January 1787

"Dear Sir,

I received yours by Bruxie containing Mr. Robertson's demand for £50 and interest in ballance of our bargain as to the Servitude &c. Which please advance for me and procure my obligation which will serve as a voucher at our first clearance, herewith I send you a copy of Ld. Aboyne's letter to me and my answer to his Lordship which I have left open that you may take a copy of it. It is still necessary that you take the trouble of delivering my letter to his Lop, and remarking his observations on the contents which will ruffle him. I fancy probably there is an end to our correspondence on the subject. Enclosed you have the castle Discharge signed Galwaysam."

"Aboyne Castle, 1st September 1787.

"Dear Sir,

Our friend, Abergeldie, who is now here with me, informs me that you are disposed to submit to the determination of one Arbitor to be chosen by ourselves, the point about which we differ, concerning the Superiority of your Lands in Glenmuick, and the fulfilling the bargain and iscambian we made many years ago, of the Lands of Achoylle &c. I am very glad to hear that you are so disposed, and can assure you that I am equally so, to hear this, and every other question that may arise between us settled in that amicable way. We have lived in good and friendly terms all our days, and I should be very sorry that in the eve of life, we should go to loggerheads at the law, about a trifling matter at best, and each of us throw away a great deal more money than the object in dispute is worth.

"I shall be glad to hear from you on this subject, and to know when and where you would propose we should meet to settle particulars, and to pitch upon our arbiter. With real regard

I am

Dear Sir

Your most obdt. Humble Servt.

Hallybn. Aboyne."

The following letter, addressed to

"James Farquharson, Esq: of Invercauld,
by Marlee,
Couper,"

relates to a lawsuit that was then pending between the writer, who was proprietor of Rineton, in Glengairn, and some possessions on Deeside, and his neighbour, Fleming of Auchintoul, regarding Marches and other matters. Mr. McDonald had been relying on certain charters granted him by his chief, the Lord of the Isles, which explains his reasons for waiting on him in Edinburgh. But the principal interest centres in the reference he makes to the plundering of the Western Isles by the notorious privateer, Paul Jones, whose history has been so often written that only his exploits on the west coast of Scotland need be here referred to.

Getting himself invested by the American Commissioners, with whom we were then at war, with discretionary powers to cruise wherever he pleased, Jones sailed, April 10, 1778, for the coast of Britain, and with a single ship, the "Ranger," he kept the whole coast of Scotland for

some time in a state of the utmost alarm. He afterwards obtained from the French Government some additional ships, with which he threatened the invasion of Scotland. It is probable that it was to this occasion that Mr. McDonald refers in his letter. It is not clear why Jones should have gone to the Western Isles with his little squadron unless for the purpose of provisioning his vessels with Highland cattle, or in the hope of raising a diversion in favour of the French among the Jacobite clans in that quarter.

Mr. McDonald's letter is as follows:—

“St. Martins,
22nd Septer. 1779.

“Dear Sir,

I came over here Sunday last with Mrs. McDonald and the little boy and am very anxious to have him carried to my Aunt's, Nellie Mearns, for continuing the sea bathing, but cannot move till I hear if my daughter has returned from Deeside as I bring her home. I am still in great uncertainty as to my motions; for Clanranald has not returned as yet to Edinburgh, and how soon he arrives I must go there as he goes immediately Abroad—By last accounts he could not leave his own house in the Western Isles as two Privateers were for ten days hovering round and taking every ship and Boat that appeared, and landed some men who plundered severall of the Tenants—It's hard that these remote places are totally disarmed and can have no protection from Government—Forgive the trouble of the enclosed and believe me ever

Sincerely yours
W. McDonald.”

JAMES FARQUHARSON OF INVERCAULD, “The Old Laird,” as he was affectionately called by his numerous tenantry, was a man of a quiet and generous disposition and a great benefactor of his clan. He it was who introduced into the district most of the improvements in agriculture and other industries which marked the close of the century. Held in universal esteem by his own class in society, he was much consulted by his neighbours in the management of their estates, and his advice sought in the settlement of any disputes that arose among them. His paternal regard for his own tenants won for him their respect and affection, which he retained unimpaired to the end of his long life. He was fortunate in both his marriages, though his later years were clouded by the successive

deaths of all but one—the youngest—of his eleven children. Among several other benefactions, the following testify to his interest in the cause, of education and his care for the helpless and needy.

LEGACIES.

On the back of a receipt from the Stamp Office for the duty chargeable on a legacy, the Rev. Allen Stuart has at some length defined the purpose of the legacy “left by James Farquharson, Esq. of Invercauld lately deceased.” The receipt bears that the Honourable Lord Dunsinnan was Mr. Farquharson’s principal trustee. The Rev. Mr. Stuart’s note is as follows:—

“I, the Reverend Allen Stuart, minister of the Gospel of the parishes of Kirkmichael and Glenshee, Considering that the deceased, James Farquharson, Esq: of Invercauld, by a Deed of Settlement executed by him upon the nineteenth day of September one thousand seven hundred and ninety five, and recorded in the Books of Council and Session the — day of July last named, and appointed Mrs. Margaret Farquharson his spouse, the Reverend John Oliver, his nephew, and Peter Farquharson, advocate in Aberdeen to be his Trustees alongst with Sir William Nairn of Dunsinan, Baronet, one of the Senators of the College of Justice, William Farquharson, Esq: of Monaltrie, and Charles Mackintosh Writer to the Signet, the three surviving Trustees named by him by a former Trust Deed executed by him upon the twenty seventh day of February, one thousand seven hundred and eighty eight, to which Trustees above named the said James Farquharson by the several Deeds above mentioned conveyed his whole real and personal Estate for the purposes and with and under the burdens therein expressed, and amongst others he legated and bequeathed to the Poor of the said Parish of Glenshee the Sum of Twenty guineas to be disposed of at the sight of the Factor on his Estate with the aid of the minister and Kirk Session of the said Parish as soon as convenient after his decease..

“AND NOW SEEING that the Trustees above named have by the hands of the said Peter Farquharson their Cashier instantly made payment to me of the foresaid legacy of Twenty one pounds sterling deducing the legacy tax affecting the same as stated on the preceeding page. THEREFORE I the said Allen Stuart, as authorized to that effect by the Kirk Session of the said Parish, have EXONORED and discharged, as and by these presents I exoner, quit claim, and simpliciter discharge the Trustees above named and all others the Heirs Representatives of the said deceased James Farquharson of the foresaid legacy of Twenty one pounds sterling bequeathed by him to the Poor of the said Parish in manner above mentioned, and of the said Deed of Settlement itself in so

far as extends to the above Legacy now paid to me, obliging myself to Warrant this discharge at all hands, and consenting to the registration of the same in the Books of Council and Session or others competent, therein to remain for preservation and for that purpose Constitute . . . my procurators, and in witness whereof these presents written by William Thomson, writer in Aberdeen, are subscribed by me at Whitehall the twenty fourth day of January eighteen hundred and six years Before Witnesses—John Stuart in Whitefold and Henry Anderson, Vintner in Kirkmichael.

Allen Steuart.

John Stewart, witness
Henry Anderson, witness."

The Mrs. Margaret Farquharson above named was Margaret Carr, widow of General Mackay and Mr. Farquharson's second wife.

Peter Farquharson, advocate in Aberdeen, was father of the late Andrew Farquharson of Whitehouse, and a gentleman then and long after much consulted in the administration of the Invercauld estates.

William Farquharson, Esq. of Monaltrie was, as already stated, nephew of the "Baron Ban," and last laird of Monaltrie.

A similar legacy of £52 10s. was left by the same Trust Deeds to the poor of Crathie and Braemar, and is discharged in identical terms by the minister, who was the Rev. Charles McHardy.

Another legacy of the same kind was left to the poor of the Parish of Logie Coldstone, the payment of which is discharged by the Rev. Robert Farquharson, minister of the parish. It is to be hoped that it served its intended purpose better than another legacy received from the estate of another heritor of that parish some twenty years later. It may be of some interest to record it here:—

"Kincardine O. Neil the 26th March 1828 years.

"The which day, the Presbytery of Kincardine O' Neil being met and constituted, Mr. Milne, Moderator, P. T. John Grassick, Clerk. The Committee appointed to examine the Cash Register of Coldstone gave in a Report, the tenor whereof follows, viz.

"Kincardine O' Neil, 26th March, 1828.

"We the Committee appointed by the Presbytery of Kincardine O' Neil, to examine the Cash Register of the Parish of Logie-Coldstone, report as follows: That it appears from said Register that there was received by the Kirk Session of Logie Coldstone of date August 11th

1822 John Forbes, Esq: of New's Legacy, Ninety Pounds Stg. Which is lodged in Mr. James Reid's hands until Martinmas, as per Mr. Reid's, letter.' That in said Register, of date, 1st January 1823, there is the following entry, 'In Mr. Reid's hands, as per Bill, £90.' That in said Register of date 1st January 1824, there is the following entry, 'In Mr. Reid's hands as per Bill £90.' That in said Register, at the end of the year 1824, There is the following entry, 'Lost by Mr. Reid's Bankruptcy, exclusive of Interest, £67 10/ stg.' That these are the only entries we find respecting said Legacy; and that in other respects, it appears to us, said Register has been correctly kept, from the 27th April 1802, when it was last attested down to the 13th Augt. 1827, when it ends. Signed 'William Campbell, Convener.' Signed 'Robert Milne.' Signed 'Hugh Burgess.'

"The Presbytery having read and considered said Report, find that a considerable sum of money has been stated as lost by the poor of that Parish, during the Incumbency of the late Mr. Farquharson; and considering further, that the Heritors of every Parish, are guardians of the Poors' Funds, it is incumbent upon the Presbytery, to put this deficiency in their view, leaving it to them to adopt such measures, for the recovery of the same, as they shall see fit; and for this purpose, they appoint Mr. Tawse, to send each of his Heritors, a copy of this minute, from said Cash Register, in which they have appointed their Clerk to insert it.

"Extracted from the Records of the Presbytery of Kincardine O' Neil by signed,

John Grassick
Presby. Clerk."

The foregoing is the copy sent to Invercauld as one of the heritors of the parish of Logie-Coldstone.

The following extracts from the old "Statistical Account of Scotland," *Vol. xiv., p. 334 et seq.*, written in 1794 by the Rev. Charles McHardy, minister of Crathie, who was also factor on the Invercauld estate, and thus thoroughly conversant with the improvements effected and the circumstances of his parishioners, are of historic value as showing the condition of the country at the period to which they refer:—

"The ordinary crops raised by the country people are oats, bear and potatoes. Turnips and clover with rye grass are cultivated by a few gentlemen. There was very little lint seed, till of late, sown in these parishes, although it was found to answer exceedingly well, for this reason, that there was no lint-mill in the country; but that grievance is now, in a great measure, removed, as Mr. Farquharson of Invercauld has

built a lint-mill at Castleton of Braemar. The consequence is, that the people, in general, sow more lintseed; and from the advantages they derive from this branch of farming, it is probable that, in a few years hence, another lint-mill, at least, will be necessary in this part of the country.

"On Mr. Farquharson of Invercauld's property in the parish of Braemar (Achallater), is a little quarry, from which are brought almost all the slates (mica slate) made use of in this country.

"The greater part of the united-parishes of Crathie and Braemar, have been originally King's forest, and known by the name of the Forest of Marr. This forest, with those of the Duke of Atholl, and Mr. Farquharson of Invercauld in Perthshire, and the Duke of Gordon in Badenoch and Glenaven, constituted the principal part of the great northern Caledonian forest. In the deepest mosses or morasses, within the immense range of the extensive forests above mentioned, there are to be found large logs, or roots of wood (even where there is not a tree now to be seen standing), which affords the most incontrovertible evidence, that they have formerly been overrun with timber.

"The only part of the forest of Marr, which is now used as kept forest is in Braemar. The Earl of Fife and Mr. Farquharson of Invercauld have, each of them, extensive forests, which are well stocked with red and roe deer. From the great care and attention which has been paid to these animals for some years past, they are now so numerous and domesticated, that they are to be seen in numbers from the windows of the houses of Invercauld and Marr-Lodge. At the latter place, at about the beginning of May, 100 stags have been seen at once feeding on the lawn.

"There are in these parishes, extensive natural fir woods, belonging to the Earl of Fife, Mr. Farquharson of Invercauld, Mr. Gordon of Abergeldie, and Mr. Farquharson of Inverey; as also, large plantations of Scotch firs, and other trees. Mr. Farquharson of Invercauld alone has planted above 14 millions of the former, and upwards of a million of larch, with a great variety of others. Mr. Gordon of Abergeldie (at the advice of Invercauld) has planted Scotch firs to a very considerable extent, besides other trees; and the Earl of Fife has also made plantations of Scotch firs and other kinds.

"The principal lakes in the parishes are Loch Callader and Loch Bhrotachan, both on Mr. Farquharson's property, and well stored with excellent trout. Loch Callader produces fine little salmon of about 7 or 8 lbs. weight, and some eels. It will be about 2 miles in circumference. Loch Bhrotachan is smaller, but produces large delicate red trout—(charr—*salmo umbla*—found only here and in Loch Bulig in this district. It is the celebrated *ombre chivalier* of the Lake of Geneva).

"The proprietors of these 2 parishes, of whom Mr. Farquharson of Invercauld is the principal, are 8, viz. The Earl of Fife, James Farquharson Esq. of Invercauld, William Farquharson Esq. of Monaltrie, James Farquharson Esq. of Balmoral, Charles Gordon Esq. of Abergeldie, William McDonald Esq. of Rineaton, the Reverend Thomas Gordon of Crathynaird, and John Erskine portioner of Achallader. One heritor resides constantly, 3 occasionally; and there are 4 who do not reside at all.¹ The valued rent of both parishes is £3347 : 16 : 8 Scotch. The real rent, £1826 Sterling.

"The only branch of manufacture in this country is the spinning of linen yarn. Lint is imported from Aberdeen at the expense of the manufacturing company, and left with the shopkeepers in the united parishes; and they are allowed a certain profit for the trouble of giving out the lint, and taking in the yarn. The common price for the spinning is from 10d. to 1s. 3d. per spindle. This brings a considerable sum of money into the country; by which the greater part of the poorer families are supported and enabled to pay the rents of their houses, and small crofts of land. The women in general spin with both hands."

Compare the following with the reports of the cattle shows of the present day :—

"Though there are many black cattle in the two parishes, yet it cannot be said that much attention has been paid to the breed in the rearing of them; nor is there any thing that deserves the name of a regular dairy, excepting that at Invercauld."

"Lady Sinclair, in the year 1755 (two years after her marriage to Mr. Farquharson) established a dairy under proper regulations, which was attended with the greatest success. The butter and cheese, made in this dairy, were of the best quality, and now so well known that they need no particular description. This was owing, in a great measure, to good old pasture; but principally to the attention paid to the breed in keeping those cows only that had very rich milk, and disposing of such as had thin milk of a poor quality, which happened often then, though rarely now, but which has made this breed of cattle, though but of a middling size, very valuable to those who wish to have a good dairy."

LADY SINCLAIR is thus referred to in the O. S. A. :—

¹ About this time James Farquharson resided all the year round on his estate of Balmoral. The Earl of Fife resided during the autumn months at Mar-Lodge. Mr. Farquharson resided at this time almost constantly at Invercauld. Mr. Gordon resided during the summer and autumn months at Abergeldie. Mr. Farquharson of Monaltrie resided most of the year at his residence near Ballater, but not within the parish of Crathie. The Rev. T. Gordon was minister of Aboyne. The other two mentioned had no residence within the parish.

"It might, with great propriety, be thought an unpardonable omission, were I to close this head without doing justice to the memory of the deceased Lady Sinclair, first wife to Mr. Farquharson of Invercauld: That amiable woman, who never lost sight of what tended to promote the interest of the poor, finding that the women of the two parishes were entire strangers to the art of spinning on the little wheel, applied to the Board of Trustees,¹ &c., about the year 1755, for some aid to encourage this branch of manufacture. The trustees having readily granted her request, she procured a proper spinning mistress, and erected a spinning school at the Castletown of Braemar. After the school was opened, it was found so difficult to get scholars to attend it, that Mr. Farquharson himself was obliged to speak to his tenants, and, in a manner, compel those who had 2 or 3 daughters to send 1 of them to the school. Having, however, surmounted every difficulty, the school was fairly set agoing; and, from the attention Lady Sinclair paid to it, going in person to visit it, and giving premiums to those who excelled, she raised such a spirit of emulation, that, in about 7 years' time, the progress was astonishing. From printed advertisements circulated through the parishes, in the month of August 1762, offering certain premiums to those who produced the greatest and best quantities of linen yarn, of their own spinning, against the 31st of December following, there were no fewer than 129 unmarried women and little girls who received premiums on the 1st January 1763. The quantity of linen yarn brought at this time to Invercauld for inspection, and which was examined by Lady Sinclair and four other ladies who attended to assist her, was supposed to be worth at least £300 Sterling. Previous to this institution, lint was spun on the rock or distaff only, and wool on the big wheel.

The following is a copy of the advertisement:—

"Invercauld, August 1762.

"Lady Sinclair hereby advertises, that the trustees for the manufacturers having put into her hands a sum of money to be distributed in the way she thinks most proper for promoting spinning in the united parishes of Braemar and Crathy, her Ladyship now publishes, that she is to distribute premiums of gowns, plaids, caps, silk napkins, lawn napkins, lawn aprons, and such like goods among the women and girls who shall produce to her at Invercauld upon the 1st day of January next the greatest and best quantities of linen yarn of their own spinning. The yarn must be lodged at Invercauld on Friday the 31st of December, and the premiums will be distributed the day after."

¹ The Board of Trustees was a Committee appointed by the government to promote home industries and manufactories in the Highlands. The funds at their disposal were the revenues derived from the forfeited estates,

The following extracts from the same source (O. S. A.) will enable us to compare the present condition of the country in several respects with what it was a century ago :—

“Language.—The language generally spoken is the Gaelic. Most of the people, however, understand so much of the English, as to be able to transact ordinary business with their neighbours of the Low Country.”

The case is now entirely reversed. It would now be difficult to find in either parish two individuals who could or would transact the most ordinary business in Gaelic. The writer goes on to state that,

“It was once thought an object of political attention to use means for eradicating this ancient language from the Highlands of Scotland. It is to be presumed that the Legislature now entertains very different views. For experience has fully evinced, that there are no better soldiers in the day of battle than the Highlanders, and that honour, humanity, decency and good order are not incompatible with the use of the Gaelic, and of tartan plaids and philabegs.”

In this respect the past century has wrought no deterioration—Witness the conduct of the Highlanders, Gordons and others, in South Africa.

The expense of improving barren land is thus referred to :—

“The present incumbent, with his own servants and cattle has brought some acres to tillage, and has contracted with an undertaker to have the remaining acres trenched before the end of April next. The expense will be upwards of £6 Sterling the acre, including blowing and carrying away the stones; but will turn out to be a piece of excellent ground when brought into culture.”

The cost of a similar piece of work at the present day would be at least five or six times as much.

“The manse, which was built in the years 1790 and 1791 at above £400 Sterling of expense to the heritors, is an exceedingly good house with all the accommodation necessary for a clergyman. The King is patron.”

Opinions regarding both these matters have of late years greatly changed. As to the churches :

“The church of Braemar is a very neat, decent church, with an excellent church-yard wall round it, built with stone and lime. It is supported almost at the sole expense of the Earl of Fife and Mr. Farquharson of Invercauld.”

The church here referred to was situated half-a-mile below where the present one stands, and where the burying ground now is. The ecclesiastical buildings at Crathie were in a less satisfactory condition.

"The church of Crathy, though kept in repair at the joint expense of all the heritors of the 2 parishes, the Earl of Fife excepted,¹ is in very bad order and too small. The church-yard wall is in the same situation."

The ivy-covered ruins in the beautiful graveyard close by the Dee is now all that remains of the old church here described. A new, and at the time considered an elegant and commodious building, was erected in 1805-6 on an elevated terrace a quarter of a mile to the north of the site of the old church. It was removed to give place to the present handsome edifice built in 1893-5.

"Roads and Bridges.—The military road from Blairgowrie to Fort George goes through the parishes of Braemar and Crathy, which was completed in the year 1749, at the expense of government. Bridges were likewise built over all the rivers and rivulets upon this line of road at the same expense. The county roads are made and kept in repair by the statute labour. The service is indeed, for the most part, commuted, and every man, between 16 and 60 years of age is obliged to pay at the rate of 1s. 6d. yearly.

"I cannot pass over the article of improvement," adds the writer, "in justice to the memory of the late Mr. Farquharson of Monaltrie—'the Baron Ban'—without mentioning how much the public in general, and this country in particular, are indebted to his disinterested and public-spirited exertions. That gentleman, with a laudable spirit of patriotism, was the first person who undertook made roads in Aberdeenshire, which he carried on with exertion, and at great expense, to a considerable extent for several years before the 1745 (he was at that time Factor for Invercauld). Having, however, unfortunately engaged in the rebellion, and being kept a prisoner for 18 years in England, the country was, during that period, deprived of his services. On obtaining his liberty, he immediately renewed his public-spirited improvements, wherever he had any influence, but chiefly in the 5 parishes of Braemar, Crathy, Glenmuick, Tullich, and Glengarden (which indeed form a separate and distinct district of the county); and from that time till his death, which happened in the year 1790 (? 1791), he continued, with unremitting attention, and at a great expense, to forward the building of new, and the repairing of old bridges; the making of new, and repairing of former

¹ It is not apparent on what ground the Earl of Fife was exempted from the expense of keeping the church of Crathie in repair.

roads; in which he was ably supported by Mr. Farquharson of Invercauld (whose abilities in directing and executing roads were very uncommon), and, in some degree, by all the gentlemen in the county; so that, upon the whole, it may with great propriety be asserted that, during the last 25 years, no part of the Highlands of Scotland, of the same extent, has gained more in roads and bridges by private subscription, than the 5 parishes above described."

Although the wolf had long been extinct in Scotland,¹ the writer complains of "the depredation made on the sheep, game, and poultry by foxes and other vermin"; and describes at some length the means adopted for their extirpation—means somewhat similar to those now employed in India for the destruction of beasts of prey:—

"There was a scheme planned some years ago by Mr. Farquharson of Invercauld, and carried into execution by him and the other heritors, for the preservation of sheep, game, and poultry, and for the destruction of foxes, wild-cats, pole-cats, eagles, hawks, &c., from which the parishes of Braemar, Crathy, Glenmuick, Tullich, and Glengarden derived more real benefits than perhaps from any other improvements that could be introduced into this county. It commenced the 15th of January 1776; and before that period, the destruction of sheep was so great that it is thought the value of the sheep annually killed by vermin, in the above parishes, was nearly equal to the rent paid to the proprietors. The scheme was this: The heritors entered into a private subscription among themselves, out of which a premium was paid for every animal or bird that was brought into the cashiers by such persons as were authorized by the association to carry arms for the destruction of foxes, &c.; and who had been previously sworn not to kill game; and it is believed that out of more than 100 persons who had warrants for this purpose, not one of them ever transgressed in that respect. The whole subscriptions in the 5 parishes amounted to about 40 guineas a year; and the scheme continued for 20 years, with so great success that, during that period, there were killed 634 foxes, 44 wild-cats, 57 pole-cats; 70 eagles, 2520 hawks and kites; 1347 ravens and hooded crows; besides all those which were destroyed by poison, or died of their wounds. For the first year the premiums extended only to foxes, eagles, gosacks, and falcons; the second year, wild-cats, pole-cats, small hawks, and kites were added; and the third year, ravens and hooded crows were also included. Unfortunately, however, for this county, some of the heritors (for reasons best known to themselves) withdrew their subscriptions. The other subscribers were obliged, 8 years ago, to give up the scheme; the consequence of which is, that the destruction of sheep has gradually gained ground, and game of all kinds decreased in the same proportion."

¹ The last wolf in Scotland is said to have been killed by Lochiel in the reign of Charles II.

On the postal facilities, Mr. McHardy has the following observations, which in view of the house-to-house delivery, now established in the remotest glens, show the advances which have been made in this department of the public service within the century :—

“ I see with pleasure a branch of the post-office extended lately from Aberdeen to Kincardine O’Neil ; but this country can derive little or no benefit from it, being still 32 miles distant from Castletown of Braemar. Was the extension of this branch to be carried to that place, this whole country, instead of sending a man weekly to Cupor Angus for letters and newspapers, would put all their letters into this Office to go round by Aberdeen, which would bring an additional revenue of 3d. at least for every single letter, and would, it is presumed, more than indemnify government for the expense incurred in the establishment of it.”

BRAEMAR CASTLE.

Under the heading of *Antiquities*, the writer gives a brief but clear history of Braemar Castle, a subject that has been much misunderstood of late years. After giving the current tradition regarding the ancient Castle of *Ceann-an-drochart*, he proceeds :—

“ On a little mount on the Haugh of Castletown stands the castle of Braemar. It was originally the property of Farquharson of Invercauld (Finla Mor), and given to a second son¹ of that family as his patrimony. About the end of Queen Mary’s reign, these lands were excambed with the Earl of Marr for the lands of Monaltry, and soon after his accession to the estate he (the Earl of Mar) built the present house. King William, after the Revolution, took possession of it for a garrison, and put some troops into it to keep the country in order ; but this had not the desired effect ; for the country being of opposite sentiments at the time, besieged the garrison, and obliged the troops (General Mackay’s) to retire to save their lives ; and to save themselves from such troublesome neighbours for the future they burnt the castle. In this state it continued till the year 1715, when the whole Marr estates were forfeited. About the 1720, Lords Dun and Grange purchased from the government all the lands belonging to the Erskine family ; and about 1730, John Farquharson of Invercauld bought the lands of Castletown from Lords Dun and Grange. About the 1748, Mr. Farquharson gave a lease to government of the Castle and an enclosure of 14 acres of ground, for the space of 99 years, at £14 Sterling of yearly rent ; upon which the house was repaired (the wall being then sufficient), and a rampart built round it ; and it has since

¹ Not the eldest son as he has generally been represented to be.





that period been occupied by a party of soldiers. At the expiration of the lease, or evacuation of the troops, the house with the enclosure returns to the Invercauld family, without any melioration whatever."

The above is the true account of the origin and fortunes of Braemar Castle, given by the Rev. Charles McHardy, minister of Crathie and Commissioner of the Invercauld family, who had access to all the documents relating to it.

CARN-NA-CUIMHNE.

As to the trysting place of the clan Fhion-laidh or Farquharson, Mr. McHardy gives the following account:—

"On the lands of Monaltry and on the north bank of the river Dee, in a narrow pass, where there is not above 60 yards from the river to the foot of a high, steep, rocky hill, stands a cairn, known by the name of Carn-na-cuimhne, or Cairn of remembrance. The military road is carried along the foot of this hill, and through this pass. The tradition of the country is that, at some period, the country being in danger, the Highland chieftains raised their men, and marching through the pass, caused each man lay down a stone in this place. When they returned, the stones were numbered; by which means it was known how many men were brought into the field, and what number was lost in action. Since that period, Carn-na-cuimhne has been the watch word of the country. At that period, every person, capable of bearing arms, was obliged to have his arms, a bag, with some bannocks in it, and a pair of new mended shoes always in readiness; and the moment the alarm was given that danger was apprehended, a stake of wood, the one end dipped in blood (the blood of any animal), and the other burnt, as an emblem of fire and sword, was put into the hands of the person nearest to where the alarm was given, who immediately ran with all speed, and gave it to his nearest neighbour, whether man or woman; that person ran to the next village or cottage (for measures had been previously so concerted that every one knew his route), and so on, till they went through the whole country; upon which every man instantly laid hold of his arms, &c., and repaired to Carn-na-cuimhne, where they met their leaders also in arms, and ready to give the necessary orders. The stake of wood was named Croishtarich. At this day, was a fray or squabble to happen at a market, or any public meeting, such influence has this word over the minds of the country people that the very mention of Carn-na-cuimhne would, in a moment, collect all the people in this country, who happened to be at said meeting, to the assistance of the person assailed."

SOCIAL AND HOME LIFE AT INVERCAULD.

1750-1805.

This is the period during which James Farquharson held the Invercauld estates. No man on Deeside had more influence, and no one more beneficially exercised it. No matter of public importance or of local interest was transacted unless at his suggestion or with his support. He was universally consulted in regard to all improvements of a public nature, and was himself the first to set an example of the mode in which these ought to be carried out. In his own quiet but effective way, he may truly be said to have been one of the greatest benefactors upper Deeside has ever known, and to have inaugurated a new era of industry in it. His father, and himself in his earlier years, had to pass through a turbulent period of Highland history, during which little or no attention was paid to the amelioration of the almost barbaric condition of the greater part of those who owed them allegiance. But on the suppression of the insurrection of 1745 there opened up a wide field to the son for introducing the arts and industry of advancing civilisation. Of this he was not slow to take advantage, greatly aided by the advice and counsel of his cousin, Francis of Monaltrie, whose long detention as a prisoner in England had made him acquainted with the most advanced methods of agricultural improvement then known.

After the father's death in 1750, the first event of family importance was the marriage of James, his son and successor. This occurred in the year 1753. He was then in the thirty-first year of his age; and the lady of his choice was his cousin (second cousin), Amelia, eldest daughter of Lord George Murray, then an exile on the Continent. She had, a short time before, been married to Lord Sinclair, who died a few months subsequently, leaving her a widow with some means and the title of The Right Honourable Lady Sinclair. The connection was in every way an advantageous one, and much favoured by the Athole family, between whom and that of Invercauld there had long been much friendly intercourse both in business matters and family relations. Mr. Farquharson's marriage proved a very happy one, and singularly beneficial, as already shown, to the numerous tenantry on his estates. They had a large family.

Three girls had been born to the happy parents at Invercauld, or

Marlee, before the son and heir made his appearance. This event, thus announced in the "Aberdeen Magazine" of 1761: "Aug. 3. The Right Hon., Lady Sinclair, wife of James Farquharson of Invercauld Esq., of a son and heir," was hailed with great rejoicings over the whole estates.

The same year witnessed the nuptials of the Laird's sister, Fanny, a great favourite with the family and their friends. The marriage is thus recorded in the above named journal: "Decr. 15th. Doctor Alexander Donaldson, Physician, and Professor of Medicine and Oriental Languages in the Marischal College Aberdeen, to Miss Fanny Farquharson, daughter of the late John Farquharson of Invercauld Esq."

Within the family circle, thus forming at Invercauld, the life led was for some years, until the hand of death began to invade it, one of the most cheerful and happy imaginable. It had all the elements that conduce to cheerfulness and happiness. A young family, under the care of pious and loving parents, springing up into bright boys and girls, "filled the home with glee" and sweetness. Judging from a goodly pile of manuscripts, still preserved with loving care, their education must have been judiciously attended to. Exercises in composition, essays, translations from French authors, and observations on historical events and characters in prose, and sonnets, odes, elegies, and other effusions, mostly in a religious vein in verse, sufficiently attest the careful training and literary bent of mind of the youthful members of the family. Some of these effusions might have been here inserted had they been thought of any historical value. They are interesting only as showing how the leisure hours of the young people were occupied.

No more pleasing or natural picture of the lives and amusements of the cousins, heads of their respective families, could be presented than that which is given in the "Journals of Episcopal Visitations of the Right Rev. Robert Forbes, M.A.," and which therefore is here quoted as an example of the home life led in Highland families of the first rank in the third quarter of the eighteenth century.

The good Bishop, Robert Forbes, had been going the round of his Diocese, and had come to Dunkeld, where he stayed some days to enjoy its beautiful scenery. Among other romantic spots to which he was guided, the Hermitage attracted his particular attention. He thus describes his visit to it:—

"This Hermitage is an enchantingly beautiful Retirement, fit for Contemplation and Study, and was reared up in haste by the Honourable

Mr. Murray, son of Ld. George Murray, without the knowledge of his Uncle, and Father-in-law, the Duke of Athole. This Gentleman, having done up the Hermitage with Taste, and desirous to Surprise the Duke with a sight of it, lured him into his Design, by wondering greatly that his Grace never thought of amusing himself in taking a Turn up the Banks of the Braan, a most Pleasant and Retired Walk. The Duke listened to his specious Tale, and an afternoon was condescended upon for this Party of Pleasure. When the Time came all the Ladies, and the Company then at Dunkeld (including Mr. Farquharson of Invercauld, who was privy to the plot) attended his Grace to share in the rural, winding course; and, in turning the Point, close upon the Hermitage, they stopt short with amazement, particularly the Duke, who, turning to his nephew, said, 'Murray! what a House is this? Here is a house! a new one, too,! and well slated likewise. How comes this House to be here?' 'Why, my Lord Duke,' said Mr. Murray, 'your Grace should know best what Houses are on your own grounds; but you seem to be surprised.' 'Surprised! surprised I am indeed,' said ye Duke, 'to see a House, and a neat one, too, where I never once imagined any House to be! But, pray, Murray, hold me not in suspense; let me know the history of this House.' 'If your Grace pleases, let us first proceed to this enchanted place, and take a narrower Inspection, before we Inquire into the History of it. I will do my best to usher in your Grace and ye good Company; come along.' When they entered the Heritage, how was their surprise increased to behold a large Table richly furnished with a plentiful repast of Coffee, Tea, Chocolate, Fruits, Sweet Meats, variety of good wines &c.? After viewing the well spread table, which took the eye first, then they had Time to Survey the Beauties of the Hexagon, particularly in throwing up the windows to view the Cascades. When they had tasted of the Repast, Mr. Murray desired them to follow him, and he conducted them down to the Grotto, which still added to their surprise. Then placing them in and about the Grotto, he set the Water Works a playing in their Front, which heightened the Entertainment greatly, and made the Company give a hearty Plaudite of cheerful Laughter. While the Water Works were in motion, Mr. Murray jokingly desired the Ladies to walk if they pleased, but this they could not do as the playing of the water hemmed them in.

"There is another Entertainment here, which Mr. Murray busied himself much about, at a time when the Duke happened to be in London, and it is the Building of Pillars, resembling Ruines upon the tops of the high hills about Dunkeld, particularly nigh to the Hermitage. Mr. Murray was very eager in this work, insomuch that he himself and his Brother-in-law, Farquharson of Invercauld, threw their Coats, wrought like common Fellows and became barrow-men to the masons. The Duke upon his return was agreeably surprised and very much pleased,

with these Vistas (sic), as additional Beauties to his delightful Seat at Dunkeld. How singular is this in a youth of Birth and Fortune? And how much more commendable than to waste and kill the Time in Balls, Plays, Boutes, and such like dissipating and enervating Amusements of Life?"

It may be here noted that the third Duke of Athole (Invercauld's brother-in-law) was one of the first to introduce the larch into Scotland—a benefit of which it is difficult to estimate the value, not only to the Highlands but to the whole nation. The two first twigs planted are, it is believed, still to be seen, in decaying old age, beside the still more venerable remains of the Cathedral at Dunkeld. Mr. Farquharson obtained from His Grace a few shoots which he planted, some near the mansion of Invercauld and a few on the brink of the river in front of it. The latter have only recently given way to the decaying fingers of time.

Of the other improvements introduced by Mr. Farquharson, the principal are noted in Sir John Sinclair's Stat. Act. (1794), written by the Rev. Charles M'Hardy, minister of Crathie.

As an instance of Mr. Farquharson's interest in his relatives, the following is a sample:—

"At Edinburgh the twenty seventh day of November, One thousand seven hundred fifty five years In presence of the Lords of Council and Session Compeared Mr. David Rae, advocate as pror. for James Farquharson after designed and gave in the Bond underwritten desiring that the same might be registrate in their Lordship's books, conform to the Clause of Registration therein contained which desire the said Lords found reasonable and ordained the same to be done accordingly whereof the tenor follows. I James Farquharson Esqr. of Invercauld grant me to have received from Mr. George Keith, younger of Bruxie, merchant in London in name and on account of Mr. Robert Farquharson, second lawful son of the deceast Alexander Farquharson of Monaltrie, and William and Ann Farquharson his children procreate betwixt him and the now deceast Mrs. Isobella Keith, daughter of Mr. William Keith of Bruxie, according to their several rights, and Interests as is after set forth, the sum of six hundred pound sterling as a part of the money agreed by the Contract of marriage to be settled on the children of the said marriage betwixt the said Mr. Robert Farquharson and the said Mrs. Isobella Keith. Therefore witt ye me to be Bound and obliged as I by these presents with and under the express conditions and provisions

after mentioned bind and oblige me my heirs Excrs. and superiors with my Lands and Estate to consent and pay to the said Robert Farquharson in life-rent and for his life-rent use allenerly, to be reserected in the events after exprest ; and to the said William and Ann Farquharson his children procreate betwixt him and the said Isobella Keith equally betwixt them in fee and to the heirs of their bodys and failing of them by Decease without heirs of their Bodys to the said Robert Farquharson their father his heirs and assignees whatsoever but declaring as it is hereby specially proveded and declared that in the event of the said William Farquharson dying before he attain to the age of twenty one years compleat without heirs of his own Body the said Ann Farquharson shall have the only right to the fee of four hundred pounds sterling of ye said six hundred pounds and a fee of the remaining two hundred pounds shall fall to the said Robert Farquharson his heirs Excrs. and assignes whatsoever the sum of six hundred pounds sterling with a rent thereof at the rate of four and one half per cent, I bind and oblige me and my foresaids to make payment to the said Robert Farquharson and his children @ named in the terms as specified allenarly and no otherways and that against the term of Martinmas One thousand seven hundred and fifty six, with the sum of one hundred and twenty pound sterling of Liquedate Expenses in case of Failzie and @ rent at the rate of the said four and a half per cent of the said principal sum of the six hundred pound from the term of Martinmas next one thousand seven hundred and fifty five to the foresaid Term of payment and yearly termly and Proportionally thereafter during the not payment of the same with this provision always as it is hereby provided expressly and declared that the life-rent of the foresaid sum of six hundred pound sterling conneved (conveyed?) in favour of the said Robert Farquharson shall be and is hereby restricted to the half of the @ rents of Legal Interest of the said sum and that how soon and whensoever the said William and Ann Farquharson or survivor of them shall attain the full age of eighteen years compleat, or their respective marriages which of them shall first happen as also with power to me the said James Farquharson of Invercauld and George Keith, younger of Bruxie, and failing me or him by Decease to Francis Farquharson of Finzean and George Forbes of Upper Boundly to raise and uplift the one half of the said six hundred pound in the event of the said William or Ann Farquharson attaining the said age of eighteen years compleat the said sum always being employed in Contracts of marriage with them or either of them or putting the said William Farquharson to trade and business either of which as I and the said George Keith shall think most proper for their future advantage or failing us by Decease to the said Francis Farquharson and George Forbes it always being done with the special consent and advice of the said Robert Farquharson the father, he being

in Life and always with the express condition and provision that it shall not be in the power of the said Robert Farquharson as Administrator in Law for his children. And further in case either of the said William and Ann Farquharson shall happen to marry during the life time of the said Robert Farquharson, their father, without the consent of their said father had in writing thereto either at or before or within a year and day of their said marriage, or failing the said Robert Farquharson by Decease without the consent of me and the said George Keith if in life and failing us the said Francis Farquharson and George Forbes in that case he or she so marrying shall from thenceforth lose in time all right and title to the foresaid sum of six hundred pounds and Interest thereof in manner here settled, and that within eighteen months of the said marriages without the consent of the said father if in life and failing of him or me and the said George Keith and the other two persons named shall be of facts voided and nulle and of no force or effect; as also it is hereby expressly provided and declared that the foresaid sum of six hundred pounds sterling and interest thereof hereby conditioned to be paid to the said William and Ann Farquharsons in the event and manner as mentioned is and shall be in contentation and satisfaction to them pro tanto of the provisions stipulated to be performed by the said Robert Farquharson their father to them by the said mentioned contract of marriage past betwixt him and the said Mrs. Isobella Keith without prejudice nevertheless to the said William and Ann Farquharson or the survivor of them or heirs of their Bodys for Implement and performance of what is further provided to them by the said Contract of Marriage as therein settled and in token of the premisses I have instantly delivered up this present Bond and obligation to the said William Keith of Bruxie to be kept used and disposed of By him and his heirs for the behoof of the said William and Ann Farquharson his grand children in time coming And for the security I consent to the registration hereof in the Books of Council and Session or any other proper Court. In witness thereof I suscribe this and the three preceding pages all writ upon stamped paper by me John Robertson younger of Straloch at Kinloch this eight day of November One thousand seven hundred and fifty five years before those witnesses Finla Farquharson of Rochallie and the said John Robertson writer thereof (signed) Ja. Farqrsn, Finla Farquharson, witnes, John Robertson, witnes, Extracted on this and the preceding pages By
Ja. Pringle."

It may be added, in explanation of the above deed, that Francis Farquharson (the "Baron Ban") having as yet (1755) contracted no marriage, and being a prisoner in England with his estate of Monaltrie forfeited to the crown, his apparent heir was his younger brother, Robert,

who had married Isabella, daughter of George Keith of Bruxie, and was the father of William and Ann mentioned in the deed. The family were in pecuniary straits. Bruxie on behalf of his daughter was willing to render assistance, and James of Invercauld generously undertook the part of her husband, who was his full cousin. This was the occasion on which the above engagement to render support to the family of Robert was undertaken by James Farquharson of Invercauld.

The "Baron Ban" returned to Scotland in 1766, a free man, and married, but landless and childless. His lands were restored to him in 1784, but he never had any children. Dying in 1791, he was succeeded by his nephew, the William mentioned in the deed.

Many of the numerous works and transactions for local and public benefit promoted by the "Baron" have already been noticed in these papers in connection with the administration of the Invercauld estates, over which he had been commissioner previous to his engaging in the rebellion. Several others will fall to be noticed in the *Monaltrie Papers*. These, however, are mostly concerned with his personal life during his long detention as a prisoner in England. They mainly consist of duplicates of petitions for his pardon and release, notes of accounts kept by him and of incidents that befell him, and memoranda of correspondence with his friends. The parcel came into the possession of the Invercauld family when they succeeded, as next of kin, to his nephew, the above named William, in 1828.

At length a gloom overcast the once happy household at Invercauld. First a little baby died, and, soon after her, another; and so on, one by one as they grew up, they passed away struck down by the fell hand of consumption till the saddest affliction of all came; the mother, worn out with watching, anxiety, and sorrow, followed her children (1779), leaving only, of all their eleven offspring, the youngest, a little girl five years of age to be the care and comfort of the bereaved father for the rest of his life. For a year or so before his death the good old man's thoughts were much occupied on how to make proper provision for his faithful servants. In a letter to Mr. Peter Farquharson of Whitehouse, whom he had appointed trustee on the estate, he mentions the number of his domestic servants,—small number indeed—and commends to his special attention a Margaret Aberdeen, who had been for thirty-two years housekeeper at Invercauld.

JAMES FARQUHARSON, "the Old Laird," survived till the summer of 1805, when he died at Invercauld in a good old age, having held the estates (which he greatly increased both in extent and value, having planted most of the timber for which the property has been so long famous) for the lengthened period of 55 years. His father before him had held them for 56; thus father and son in succession had continued in possession of these estates for no less a space of time than 111 years.

The marble tablet erected to his memory in the old Churchyard of Braemar has the following inscription:—

SACRED to the memory of JOHN FARQUHARSON of Invercauld who died in 1750. SACRED also to the memory of JAMES FARQUHARSON, of Invercauld, his son, who died 24th June 1805, aged 83; and AMELIA, Lady Sinclair, his spouse (daughter of Lord George Murray) who died in 1779. They had eleven children, all of whom, with the exception of the youngest, CATHERINE, died before them. MARY, MATILDA, JANE, JOHN and GEORGE lie interred with their parents in the ground adjoining; CHARLOTTE at Arnhall; FANNY at Lisbon; and AMELIA, MARGARET, and ANN, in the burying ground, North Leith.

VISITORS TO INVERCAULD.

1769-1803.

Of the many distinguished persons who visited Invercauld during the period in question, two at least cannot be passed over in silence. They were in order of time the celebrated tourist, naturalist, and antiquary, THOMAS PENNANT, LL.D., and LORD BYRON.

It may be of interest to record the impressions made on English tourists, who ventured into Scotland in the eighteenth century, by the scenery they beheld for the first time in the Highlands, and especially in the district with which the "Invercauld Papers" are concerned. One of the earliest of these is one the most appreciative, most capable, observant and accurate—THOMAS PENNANT.

The following is his description of Upper Deeside as recorded in "A Tour in Scotland" in the year 1769:—

"Pass by the castle of Brae-mar, a square tower, built about a hundred and fifty years ago,¹ to curb the discontented chieftains; but at present unnecessarily garrisoned by a company of foot, being rented by the government from *Mr. Farquharson of Invercauld*, whose house I reached in less than half an hour.

"*Invercauld* is seated in the centre of the *Grampian* hills, in a fertile vale, washed by the Dee, a large and rapid river: nothing can be more beautiful than the different views from the several parts of it. On the northern entrance, immense ragged and broken crags bound one side of the prospect; over whose grey sides and summits is scattered the melancholy green of the picturesque pine, which grows out of the naked rock, where one would think nature would have denied vegetation.

"A little lower down (higher in the valley but lower in situation) is the castle above-mentioned; formerly a necessary curb on the little kings of the country; but at present serves scarce any real purpose, but to adorn the landscape.

"The views from the skirts of the plain, near *Invercauld*, are very great; the hills, that immediately bound it, are clothed with trees, particularly with birch, whose long and pendant boughs, waving a vast height above the head, surpass the beauties of the weeping willow.

¹ The first castle built here was by John Erskine, first acknowledged Earl of Mar of his family, soon after his restoration by Queen Mary in 1565 to the estates and honours of the Earldom.

"The southern extremity is pre-eminently magnificent; the mountains form there a vast theatre, the bosom of which is covered with extensive forests of pines; above, the trees grow scarcer and scarcer, and then seem only to sprinkle the surface; after which vegetation ceases, and naked summits of a surprising height succeed, many of them topped with perpetual snow; and as a fine contrast to the scene the great cataract of *Garval-bourn*, which seems at a distance to divide the whole, foams amidst the dark forest, rushing from rock to rock to a vast distance.

"The highest of the mountains is called *Ben-y-bourd*, under which is a small lough, which I was told had ice the latter end of July. Some of these hills are supposed to be the highest part of *Great Britain*: their height has not yet been taken, but the conjecture is made from the great descent of the *Dee*, which runs from *Brae-mar* to the sea above seventy miles with a most rapid course. *Brae-mar* is the most distant from the sea of any place in *North Britain*.

"Rode to take a nearer view of the environs; crossed the *Dee* on a good stone bridge, built by the government, and entered on excellent roads into a magnificent forest of pines of many miles extent. Some of the trees are of a vast size; I measured several that were ten, eleven and even twelve feet in circumference, and near sixty feet high, forming a most beautiful column, with a fine verdant capital. These trees are of great age, having, as is supposed, seen two centuries. The value of these trees is considerable; Mr. *Farquharson* informed me that, by sawing and retailing them, he has got for eight hundred trees five-and-twenty shillings each; they are sawed in an adjacent saw-mill, into planks ten feet long, eleven inches broad, and three thick, and sold for two shillings a piece.

"Near this ancient forest is another consisting of smaller trees, almost as high, but very slender; one grows in a singular manner out of the top of a great stone, and, notwithstanding it seems to have no other nourishment than what it gets from the dews, is above thirty feet high.

"The prospect above these forests is very extraordinary, a distant view of hills over a surface of verdant pyramids of pines.

"The whole tract abounds with game; the Stags at this time were ranging in the mountains; but the little Roebucks were perpetually bounding before us; and the black game often sprung under our feet. The roebucks are reared with great difficulty; even when taken young, eight out of ten generally die. The tops of the hills swarmed with *Ptarmigans* and *Grouse*. Green Plovers, Whimbrels and Snow-flecks breed here; the last assemble in great flocks during winter, and collect so closely in their eddying flight as to give the sportsman opportunity of killing numbers at a shot. Eagles, Peregrine Falcons, and Goshawks, breed here. The Ring-tail Eagle is called here the Black Eagle. I

suspect, from the description, that the Dotrel breeds here.¹ I heard also of a bird, called the *Snatach na cuirn*,² but ~~could~~ not procure it; the 'Falcons breed in rocks, the Goshawks in trees; the last pursues its prey an end (?), and dashes through every thing in pursuit; but if it misses its quarry ceases after two or three hundred yards' flight. These birds are proscribed; half a crown is given for an eagle, a shilling for a hawk or hooded crow.³

"Foxes are in these parts very numerous, feeding on roes, sheep, and even she goats.

"Rooks visit these vales in summer and autumn, to feed on different sorts of berries; but neither winter nor breed here.

"I saw, flying in the forest, the greater Bulfinch, whose food is the seed of pine cones; a bird common to the north of *Europe* and *America*.

"On our return passed under some high cliffs, with large woods of birch intermixed. This tree is used for all sorts of implements of husbandry, roofing of small houses, wheels, fuel; the Highlanders also tan their own leather with the bark; and a great deal of excellent wine is extracted from the live tree. Observed among these rocks a sort of projecting shelf, on which had been a hut, accessible only by the help of some thongs fastened by some expert climbers, to which the family got in time of danger, in former days, with their most valuable moveables.⁴

"The houses of the common people in these parts are shocking to humanity, formed of loose stones, and covered with sods which they call *devish* (divots), or with heath, broom; or branches of fir; they look, at a distance, like so many black mole-hills. The inhabitants live very poorly, on oatmeal, barley cakes and potatoes; their drink, whisky sweetened with honey.⁵ The men are thin, but strong; idle and lazy, except employed in the chace, or any thing that looks like amusement; are content with their hard fare, and will not exert themselves farther than to get what they deem necessities. The women are more industrious, spin their own husbands' cloaths, and get money by knitting stockings, the great trade of the country. The common women are in general most remarkably plain, and soon acquire an old look, and by being much exposed to the weather without hats, such a grin, and contraction of the muscles as heightens greatly their natural hardness of features: I never saw so much plainness among the lower ranks of females: but the *ne plus ultra* of hard features is not found till you arrive among the fish-women of *Aberdeen*.

1 This shows how good a naturalist he was. The dotrel does breed here, or at least did so not many years ago.

2 This is the Gaelic name for the Titlark.

3 See page 371.

4 Hence it came to be known as *Invercauld's Charter Chest*.

5 This mixture, with a little oatmeal added, was commonly known as *Athole-brose*.

"Tenants pay their rents generally in this country in money, except what they pay in poultry, which is done to promote the breed as the gentry are so remote from any market. Those that rent a small mill pay a hog or two; an animal so detested by the Highlanders, that very few can be prevailed on to taste it in any shape. Labor is here very cheap, the usual pay being fifty shillings a year, and two pecks of oatmeal a week.

"Pursued my journey east (Aug. 6), along a beautiful road by the river side, in sight of the pine forests. The Vale now grows narrower and is filled with woods of birch and alder. Saw on the roadside the seats of gentlemen high built, and once defensible. The peasants cultivate their little lands with great care to the very edge of the stony hills. All the way are vast masses of granite, the same which is called in *Cornwall* Moor-stone.

"The glen contracts, and the mountains approach each other. Quit the *Highlands*, passing between two great rocks, called the Pass of *Ballitir* (Ballater), a very narrow strait, whose bottom is covered with the tremendous ruins of the precipices that bound the road. This Pass is the eastern entrance into the Highlands; the country now assumes a new face; the edges of the *Dee* are cultivated, but the rest only in patches among which is generally a groupe of small houses. Refreshed my horses at a hamlet called *Tulloch*, and looking west, saw the great mountain *Loghin y gair* which is always covered with snow."

In afterwards revising his notes Dr. Pennant found that he had omitted to insert several particulars he had observed in his tour. These he embodied in "Additions to the Tour in Scotland," sometimes repeating what he had formerly written. The following extracts relate to the district of Braemar:—

"On the North Side of the river (Dee) lies Dalmore (Mar Lodge), distinguished by the finest natural pines in *Europe*, both in respect to the size of the trees and the quality of the timber. Single trees have been sold out of it for six guineas; they were from eighty to ninety feet high, without a collateral branch, and four feet and a half in diameter at the lower end. The wood is very resinous, of a dark red colour, and very weighty. It is preferable to any brought from *Norway*, and, being sawn into planks on the spot, brings annually to the proprietor a large revenue. On the opposite side of the river is the estate of *Inverey*, noted also for its pines, but of a size inferior to those of *Dalmore*. When the river is swelled with rains, great floats of timber from both these estates are sent down into the Low Countries.

"In this Vale the Earl of *Mar* set up the Pretender's standard on the 6th of *September* 1715; and in consequence drew to destruction his own, and several of the most noble families in *North Britain*.

"On the South side of the river is *Glen-Muik*, remarkable for a fine cataract formed by the river *Muik*, which after running for a considerable way along a level moor, at once falls down a perpendicular rock of a semicircular form, called the *Lin of Muik*, into a hole of so great a depth worn by the weight of water, as to be supposed by the vulgar to be bottomless.

"Almost opposite the village of *Tullich* is *Pananich*, noted for the mineral waters discovered a few years ago, and found to be very beneficial in rheumatic and scrophulous cases, and complaints of the gravel. During summer great numbers of people resort there to drink the waters, and for their reception, several commodious houses have already been built.

"A little below *Tullich*, ride over the South corner of the hill of *Culbleen*, where soon after the Revolution a bloodless battle was fought between King *William's* forces under the command of General *Mackay*, and some gentlemen of the country with their dependants. The last made such an expeditious retreat that, in derision, it was called *the race of Tullich*.¹

"The Hill of *Culbleen* is the South-West extremity of a range of mountains which form a deep semi-circle, and enclose on all sides except the South a very fertile bottom and five parishes called *Cromar*. The soil, excepting some moors and little hills, is good to the foot of the mountains, and produces the best barley in the county of *Aberdeen*. *Cromar* is the entrance into the Low Countries; the *Erse* language has been disused in it for many ages, yet is spoken at this time six miles West in *Glen-gairn*.

"One of the mountains to the West is styled the Hill of *Morven*, is of a stupendous height, and on the side next to *Cromar* almost perpendicular. From the top, the whole country as far as *Aberdeen*, thirty computed miles, seems from this height as a plain; and the prospect terminates in the *German Ocean*. The other great mountains appear to sink to a common size; and even *Lochin y gair* abates of its grandeur. About four miles below *Culbleen*, at Charles-town, ride on a line with the Hill of *Coull*, the South East extremity of the *Cromar* mountains.

"A little North of Charles-town stands *Aboyne* Castle, the seat of the Earl of *Aboyne*, amidst large plantations; but his Lordship's pines in the forest of *Glen-Tanner* yield to none in *Scotland* excepting those of *Dalmore*."

¹ The reference here is to a skirmish between a party of dragoons sent out by General Livingstone to apprehend Inverey, *alias*, the "Black Colonel," who was only saved by the legendary feat of his black mare carrying him up the rocks in the pass of Ballater. The action was sometimes known as the *Trot or race o' Tullich*.

Finding that the description he had given of Scotland had excited general interest Pennant resolved to supplement it with additional details, in an appendix. With this view he drew up a series of queries much after the manner of those which, a quarter of a century later, Sir John Sinclair adopted as the basis of his great work, the "Statistical Account of Scotland." These he addressed to some gentlemen whose acquaintance he had made in the course of his tour, and published the answers he received as appendices to his work. Mr. Farquharson of Invercauld was selected to give information regarding forestry. His paper finds the first place in the Supplement, and is even yet not unworthy of the careful attention of arboriculturists. It is as follows:—

"APPENDIX, NUMBER I. OF SCOTCH PINES

BY JAMES FARQUHARSON OF INVERCAULD."

"It is generally believed that there are two kinds of fir trees, the produce of *Scotland*, viz., the red or resinous large trees, of a fine grain, and hard solid wood; the other, a white wooded fir with a much smaller proportion of resin in it, of a coarser grain, and a soft spungy nature, never comes to such a size, and much more liable to decay. At first appearance, this would readily denote two distinct species, but I am convinced that all the trees in *Scotland*, under the denomination of *Scotch* fir, are the same; and that the difference of the quality of the wood, and size of the trees, is entirely owing to circumstances, such as the climate, situation, and soil they grow on. These finest fir trees appear in the most mountainous parts of the Highlands of *Scotland*, in glens or on sides of hills generally lying in a Northerly aspect, and the soil of a hard gravelly consistence, being the natural produce of these places; the winged seeds are scattered in quantities by the winds, from the cones of the adjacent trees, which expand in *April* and *May*, with the heat of the sun; these seedlings when young, rise extremely close together, this makes them grow straight, and free from side branches of any size, to the height of 50 or 60 feet before they acquire the diameter of a foot; even in this progress to height, they are very slow, occasioned by the poorness of the soil, and the numbers on a small surface, which I may say makes them in a constant state of war for their scanty nourishment, the stronger and tallest by degrees overtopping the weaker, and when the winds blow they lash against each other, this assists in beating off any horizontal branches that might damage the timber with knots, as well as by degrees crushing the overtopped trees. In such state of hostility they continue

struggling until the master trees acquire some space around them ; then they begin to shoot out in a more bushy manner at the top, gradually losing their spiral form, increasing afterwards more in size of body than height, some acquiring four feet diameter, and above sixty feet of height to the branches, fit for the finest deal board. The growth is still extremely slow, as is plainly proved by the smallness of the grain of the wood, which appears distinctly in circles, from the centre to the bark. Upon cutting a tree overclose to the root, I can venture to point out the exact age, which in these old firs comes to an amazing number of years. I lately pitched upon a tree of two feet and a half in diameter, as this is near the size of a planted fir of fifty years of age mentioned, and I counted exactly two hundred and fourteen circles of coats, which makes this natural fir above four times the age of the planted one. Now as to planted firs, these are raised first in dressed ground from the seed, where they stand two seasons or more, then are planted out in the ground they are to continue in at regular distances, have a clear circumference round them for extending both roots and branches ; the one gives too quick nourishment to the tree which shoots in luxuriant growths, and the other allows many of the branches to spread horizontally, spoiling the timber with knots ; besides, this quick growth occasions this thick yearly circular coats of wood, which form a coarse grain, of a spongy soft nature. The juices never after ripen, into a proportional quantity, their resinous preservative balm ; so that the plantations decay before the wood acquires age, or a valuable size, and the timber when used in work has neither strength, beauty nor duration. I believe the climate has likewise a great share in forming the nature of the best wood, which I account for in the following manner : The most mountainous parts of the Highlands, particularly the Northerly hanging situations, where these fine fir trees are, have a much shorter time of vegetation than a more Southerly exposure, or the lower open countries, being shaded by high hills from the rays of the sun even at mid-day for months together, so that with regard to other vegetables nature visibly continues longer in a torpid state there than in other places of the same latitude. This dead state of nature for so long a time yearly appears to me necessary to form the strength and health of this particular species of timber. No doubt they may at first show a gratefulness for better soil and more sun by shooting out spontaneously, but if the plant or tree is so altered by this luxury that it cannot attain any degree of perfection fit for the purposes intended, the attempt certainly proves in vain.

“ From what is said above, it is not at all my intention to dissuade from planting *Scotch* fir, but to encourage those that have the proper soil and situation to do so, being of opinion that where these circumstances agree, and there, planting not in lines but irregularly and thicker than common, the trees will come to be of equal size and value with the

natural ones. In confidence of this, I have planted several millions on the sides of hills out of reach of seed from the natural firs."

LORD BYRON.

The Editor had the following account of his Lordship's visit to Invercauld from the gillie who attended him on that occasion, in an ascent of Lochnagar. The gillie, whose name was John Davidson, was then (1803) a lad in the service of Mr. Farquharson, and being well acquainted with the mountains, was told off to guide his Lordship. He was an old man, 75 years of age, when he gave the Editor very nearly the following account of the expedition:—

"We set out from Invercauld early in the forenoon, crossed the Dee by the old bridge and then up the glen of the Garavalt. His Lordship rested often and looked at the scenery. He was very quiet and did not often speak to me. When we began to climb the crags of Loch-an-uan I thought he would not be able to scramble up, for he was rather lame, and I offered to assist him, but he would not have any help from me. When we got to the top he sat a long time on the edge of the rocks looking about him, but seldom asked me any question; and we returned the same way we went up."

To some questions put to Davidson he stated that he thought his Lordship would be about 16 or 17 years of age (he was really only 15). From Invercauld Byron went to Mar Lodge on a visit to the Earl of Fife, and while there narrowly escaped a serious accident at the Linn of Dee; so report has it, but John Davidson knew nothing of this, if it ever happened. His visit to Invercauld during the autumn of 1803 was well remembered and often spoken of, by people who recollected it when his Lordship attained his great fame as the first poet of his age. It is to it he refers when writing to his former class-fellow, Charles Gordon of Abergeldie, in 1805. The letter referred to is as follows:—

"Burgage Manor, August 14, 1805.

"Believe me, my dearest Charles, no letter from you can ever be unentertaining or dull, at least to me; on the contrary they will always be productive of the highest pleasure as often as you think proper to gratify me by your correspondence. My answer to your first was addressed to Ledbury; and I fear you will not receive it till you return from your tour, which I hope will answer your expectation in every respect; I recollect some years ago passing near Abergeldie on an excursion through the Highlands, it was at that time a most lovely place.

"I suppose you will soon have a view of the eternal snows that summit the top of Lachin-y-Gair, which towers so magnificently above the rest of our *Northern Alps*. I still remember with pleasure the admiration which filled my mind, when I first beheld it, and, further on, the dark frowning mountains which rise near Invercauld, together with the romantic rocks that overshadow Mar Lodge, a seat of Lord Fife's, and the Cataract of the Dec, which dashes down the declivity with impetuous violence in the grounds adjoining the House. All these I presume you will soon see, so that it is unnecessary for me to expatiate on the subject. I sincerely wish that every happiness may attend you in your progress. I have given you an account of our match in my epistle to Herefordshire. We unfortunately lost it. I got 11 notches the first innings and 7 the 2nd, making 18 in all, which was more runs than any of our side (except Ipswich) could make. Brockman also scored 18. We were very convivial in the evening."

"This and a previous letter, No. 30, are written to Byron's Harrow friend Charles Gordon, one of his 'juniors and favourites,' whom he 'spoilt by indulgence,' Gordon, who was the son of David Gordon of Abergeldie, died in 1829." *The Letters of Lord Byron*, (Vol. I. p. 77), edited by Rowland E. Prothero, M.A. (John Murray).

At the time of Lord Byron's visit Mr. Farquharson was near the close of his long life, with his only child Catherine and her husband, Captain Ross, living quietly in family with them. This was doubtless the reason why so little notice was taken of the to-be-so-distinguished visitor.

It may not be amiss here to record some anecdotes of Byron's boyhood on Deeside, especially as few of them have been published, and two or three have not yet been printed.

In an article in *THE NINETEENTH CENTURY*, No. 251, January, 1898—"The Childhood and Schooldays of Byron by R. E. Prothero," after some notices of the Poet's boyhood the writer continues:—

"Other recollections, gathered by the Rev. J. G. Michie, of the Manse, Dinnet, relate to Ballatrich, on Deeside, where the boy was first sent to recover from illness, and where he afterwards spent portions of his summer holidays." He adds:—"My informant (writes Mr. Michie) was Mrs. Calder, the widow of the farmer of Greystone, in the immediate vicinity of Ballatrich, and the daughter of the carpenter referred to. She was born in 1791 (86), died years ago at the advanced age of 86 (91),¹

¹ The late Mrs. Calder died in December, 1882, aged 91 years. She was therefore three years the poet's junior.

and remembered Byron and his ways very distinctly. Even at that early age (eleven or twelve) [he was really only seven or eight]¹ the wilful, intractable disposition, which in riper years too much distinguished the character of the noble bard, had begun to display itself. I give the following in the words of my informant: 'he was a very takin' laddie, but no easily managed. He was fond of coming up to see my father's shop, and particularly fond of the turning-lathe; but he wadna haud his hands frae ony o' the tools, and he spoiled them completely before he would let them go. My father couldna lay hands on him, and he wad tak nae telling; so at last he set some o' us to watch when we would see him coming up the brae frae Ballatrach, and when he got word that he was coming he would lock the door of the shop, and gang awa' out about. There was nae ither way o' deean wi' him.'

In the editor's "History of Loch Kinnord," a brief account is given of the family with whom Byron then resided which may be still of some interest. It is as follows:—

"It was in the family of Robertson of Ballatrach that the youthful Lord Byron resided for sometime, when recovering from an attack of fever; and the name of one member has been immortalized by obtaining a place in his poetry. Mary, the second daughter, had won the boyish affections of the young poet; and, though he might say,

'It could not be love, for I knew not the name,'

certain it is that her image was not effaced from his memory even in the later years of his life. Mary was not generally esteemed such a beauty as her elder sister, Jane; but the writer has it from one that knew her in her bloom, that 'she was a bonnie lassie for a' that.' It may interest the reader to know something of the after life of 'Byron's Mary,' as (after the publication of his 'Hours of Idleness') she was generally called. Her parents were not wealthy, but her mother was well connected. Helen Bland Watson McDonald, afterwards Mrs. Robertson of Ballatrach, was the lawful daughter of Captain McDonald of Rinetan, whose descent can, it is said, be traced from a Lord of the Isles. Mr. Robertson had a large family; one of the younger sons, named Lewis, was playfully styled 'Lewis XIII,' to mark his place among the other members; and hence arose a saying that one of the kings of France was born at Ballatrach.

"Through Captain McDonald's influence three of the sons obtained commissions in the H.E.I.C.S., and all rose to the rank of Colonel. Other two members of the family were educated for the Roman Catholic priesthood, but, it is believed they never entered into orders, owing, it is

¹ The years of his summer sojourns at Ballatrach were 1795-96-97, when Mrs. Calder was a girl of from four to seven years of age. She did therefore remember his ways quite distinctly, and often repeated her recollections of him.

said, to some difficulties in regard to their taking the oath of celibacy. Mary, Lord Byron's first flame, married Kenneth Stewart, an Excise officer, then stationed in the parish of Crathie. At his death, which occurred not many years after his marriage, she removed to Aberdeen, where she died; but her remains were conveyed to the old churchyard of Glentanar, where there is a handsome tombstone over her grave, bearing the following inscription:—

"Sacred to the memory of James Robertson, who departed this life on 4th day of April, 1814, aged 71 years; and of Helen McDonald, his spouse, who died on the 11th day of August, 1813, aged 60 years; also of Mary Robertson, their daughter, widow of Kenneth Stewart, who died at Aberdeen on 2nd March, 1867, aged 85 years."

It thus appears that the Mary Robertson—'My Sweet Mary'—was the poet's senior by six years.

Another anecdote is recorded in a booklet—a memoir of Stewart Clark, by S. E. S. C. (Tindell & Cox) p. 20-21. William Clark, who lived near Pannanich, was the uncle of the subject of the memoir and a great mechanic.

"He was also a great favourite with the boy, Byron; and it is to be regretted there is no written record of their intercourse. He liked to supply him with flies of his own manufacture for fishing. One interesting fact is remembered that he used to positively declare that the Mary mentioned in Byron's poems called "Hours of Idleness" was not Mary Duff, as generally supposed, but a Mary Robertson, who lived in a place called Garnshill (Gairnshiel) near the foot of Morven. The Robertsons were of a good family, and Byron used often to go to Garnshill to fish in the Gairn and often talked of his lady love, being a very precocious boy."

It is perhaps necessary to explain that Mary Robertson frequently lived with her grandfather, Captain McDonald of Rineton, near Gairnshiel, where there was good trout fishing, a great attraction, as it would appear, for Byron—perhaps Mary Robertson was another.

The impressions made on the mind of Lord Byron by the scenery of the Dee valley in his early boyhood were not evanescent, but became deeper and stronger with his advancing years. His earliest effusion on the subject is perhaps that beautiful ode beginning:—

"When I roved, a young Highlander, o'er the dark heath,
And climbed thy steep summit, oh, Morven of snow!"

on which Mr. Coleridge, the editor of Mr. Murray's new edition of the poetry of Byron, has a note of some length, the substance of which has already been given.

This was followed by the well known stanzas on Lochnagar—

“ Away, ye gay landscapes, ye gardens of roses !
In you let the minions of luxury rove ; ”

to which the poet himself prefixed the following note :—

“ Lachin y Gair, or as it is pronounced in the Erse, Lochna Garr, towers proudly pre-eminent in the Northern Highlands, near Invercauld. One of our modern tourists mentions it as the highest mountain, perhaps, in Great Britain. Be this as it may, it is certainly one of the most sublime and picturesque amongst our “ Caledonian Alps.” Its appearance is of dusky hue, but the summit is a seat of eternal snows. Near Lachin y Gair I spent some of the early part of my life, the recollections of which have given birth to the following stanzas.”

Any little incident in the course of his travels was sure to recall memories of Braemar and Deeside. In appendix to *Childe Harold*, CANTO second, Note [B] he observes :—

“ The Arnauts, or Albanese struck me forcibly by their resemblance to the Highlanders of Scotland, in dress, figure and manner of living. Their very mountains seemed Caledonian, with a kinder climate. The kilt, though white ; the spare, active form ; their dialect, Celtic in its sound ; and their habits, all carried me back to Morven.”

And when more serious thoughts were forced on his mind what could be more pathetic or more strongly show how affectionately his mind dwelt on the scenery and associations of his early life than the stanza in “ *THE ADIEU*,” written under the impression that he was soon to die :—

“ Adieu, ye mountains of the clime
Where grew my youthful years ;
Where Loch na Garr in snows sublime
His giant summit rears.

Why did my childhood wander forth
From you, ye regions of the North,
With sons of pride to roam ?
Why did I quit my Highland cave,
Marr's dusky heath, and Dee's clear wave,
To seek a Southeron home ?

And then in the opening stanzas of the tenth canto of "Don Juan" it needed only a reference to Sir Walter Scott and Lord Jeffrey to awaken in Byron's mind his boyish reminiscences of Aberdeenshire :—

"Here's a health to 'Auld Lang Syne.'"

"And when I use the phrase of 'Auld Lang Syne'!
'Tis not addressed to you—the more's the pity
For me, for I would rather take my wine
With you, than aught (save Scott) in your proud city.
But somehow,—it may seem a schoolboy's whine,
And yet I seek not to be grand or witty,
But I am half a Scot by birth, and bred
A whole one, and my heart flies to my head.—

"As 'Auld Lang Syne' brings Scotland one and all,
Scotch plaids, Scotch snoods, the blue hills and clear streams
The Dee, the Don, Balgounie's brig's black wall,
All my boy's feelings all my gentler dreams
Of what I then dreamt, clothed in their own pall,
Like Banquo's off-spring ;—floating past me seems
My childhood in this childishness of mine :
I care not—'t a glimpse of 'Auld Lang Syne.'

"And though, as you remember in a fit
Of wrath and rhyme, when juvenile and curly,
I rail'd at Scots to show my wrath and wit,
Which must be owned was sensitive and surly,
Yet 'tis in vain such sallies to permit,
They cannot quench your feelings fresh and early :
I 'scotch'd not killed' the Scotchman in my blood,
And love the land of 'mountain and of flood.'"

To this the poet added the note—

"The brig of Don, near the 'Auld toun' of Aberdeen, which is one arch, and its black deep salmon stream below, is in my memory as yesterday. I still remember, though I may misquote, the awful proverb which made me pause to cross it, and yet lean over it with a childish delight, being an only son at least by the Mother's side. The saying as recollected by me was this, but I have never heard or seen it since I was nine years of age :—

"Brig of Balgounie, black's your wa',
Wi' a wife's ae son, and a mear's ae foal,
Doun ye shall fa'!"

And lastly in "The Island," a poem written a year or two before Lord Byron's death, we have these lines (Canto II. Stanza xii.):— .

"He who first met the Highland's swelling blue
Will love each peak that shows a kindred hue,
Hail in each crag a friend's familiar face,
And clasp the mountain in his mind's embrace.
Long have I roam'd through lands which are not mine,
Adored the Alp, and loved the Apennine,
Revered Parnassus, and beheld the steep
Jove's Ida and Olympus crown the deep:
But 'twas not all long ages' lore, nor all
Their nature held me in their thrilling thrall;
The infant rapture still survived the boy,
And Loch na Garr with Ida looked o'er Troy,
Mix'd Celtic memories with the Phrygian mount,
And Highland linns with Castalie's clear fount."

"When very young" (he adds in a note), "about eight years of age, after an attack of scarlet fever at Aberdeen, I was removed by medical advice, into the Highlands, and from this period I date my love of mountainous countries. I never forgot the effect, a few years afterwards, in England, of the only thing I had long seen, even in miniature, of a mountain in the Malvern Hills. After I returned to Cheltenham, I used to watch them every afternoon, at sunset, with a sensation which I cannot describe."

MONALTRIE PAPERS,

1710-1791.

NOTES FOR MEMOIR OF FRANCIS FARQUHARSON OF MONALTRIE,
THE "BARON BAN" OF THE '45.

FRANCIS FARQUHARSON was the son of Alexander Farquharson, 1st laird of the 2nd family of Monaltrie, and Anne, daughter of Francis Farquharson of Finzean by his wife, a daughter of Arbuthnot of Findowrie.

He was born in the year 1710, and was thus at the age of 34 or 35 when the rebellion broke out in 1745. He was older by 10 or 11 years than his cousin, James, Yor. of Invercauld.

We have no authentic accounts of his early training, but it is highly probable that, as a son of a small proprietor, he would have been bred to some profession; and as we find in 1738-40 he was accredited commissioner for his uncle, John of Invercauld, it is likely that he was bred to the law, and there is evidence already adduced that he administered the affairs of the Invercauld estates for several years prior to the outbreak of the '45. Why he should have embarked in that disastrous enterprise while his employer, his uncle, John of Invercauld, was opposed to it has never been satisfactorily explained; but when we know that John's own daughter, Lady McIntosh, entered keenly into the insurrection, we see how much families were divided in their political sentiments at the time, and need not be much surprised at the action taken by the "Baron Ban."

He was too young to have formed any settled political opinions at the time of the Jacobite expedition of 1719; but as the following is enclosed among the Monaltrie papers, it is here inserted as of some historical importance. In the account of the Expedition to Glenshiel, 1719, it was intended that the command should be given to the Earl Marischal, but by some finessing a commission from the Chevalier was produced, which had been intended for investing the chief command in the Marquis of Tyllibardine, who accordingly took the command. The following, *not marked as a copy*, found among the Monaltrie papers in MS. seems to have been the manifesto issued on the occasion:—



Painted by David Allan, Esq.

Francis Targuharson of Monallrie, Baron Pan.

Born 1710 Died 1790



"The King having Impartially considered both the sufferings of the Royall Family and the Troubles and dismal prospects of these Kingdomes, and being fully resolved by the help of God to recover his own Right and restore the peace and posterity (prosperity?) of these Unhappy Nations, he is most heartily willing to remove all objections, and to give the utmost satisfaction that is in his power, not only to the just expectation, but even to the wishes of his people.

"Time and the visible hand of providence have fully baffled and exposed some hellish and absurd Calumnies, and many of his most eminent opposers have been obliged att Last to acknowledge his right of blood and hereditary Title.

"As to the Chief Objection that remains, the Difference of Religion, his Majesty hopes that all good men will consider that he was forced out of his Country in his Cradle, and that every bodies Education being the choice and business of their parents, he was educated by his parents in the religion, and in that church which they themselves thought to be the best, and now Since he has been thus educated and never seen any other Church, If he should declare himself a protestant very few of his friends would believe him, and his enemies would be sure to turn it against him not only as a mean and dishonourable but a dangerous dissimulation.

"It is not possible for him in his present circumstances to enter into Disputes in matters of Religion, and publick and formal Disputes are rarely attended with any real advantage, but as soon as it pleases God to give him the full and free opportunity of Conversation with his own Subjects, he promises upon his honour, that he will fairly hear and examine what ever Churchmen and Laymen shall represent in these matters, and whatsoever shall be the Result as to his private Opinion, his Administration shall be according to the Laws and Constitution without giving the least ground of offence or making the Least Incroachment.

"The Church of England has reason to be assured of his particular favour as well as protection, considering the early assurance he gave in his Instructions bearing date in 1703, to which he adhers and faithfully will perform.

"He thinks the Interest of the Church of England and that of the Crown to be the same. They have always stood and fallen together and the one has been always struck att through the other, her former Loyalty has [is] Justly kind in the Esteem of all the World, nor ought her principles to be reproached for the fault of those who have unhappily departed from them in there (sic) prattice.

"As the King will put it out of his power to do any hurt in matters of Religion, so he gives all possible assurance to the security of all other things, the rights and Liberties and even the Satisfaction of his people, being fully resolved from the most solid and Impartiall Consideration to

make the Law of the Land the Rule of his Government, and to conform himself to the advice of Parliaments which he considers to be the Security of the King as well as the people.

"All ranks and Conditions of men will find their account in doing their duty. The Experience he hath gott in Suffering abroad by the misfortunes of the Royal Family, he will improve for the good of his people, and for settling the Government in the affections of his subjects. And as none but he can be Capibel of curing the calamities and devisitions of these nations, so he will use his utmost endeavours for that end as the true and Impartial father of his Country.

"And as he designs to do all that is possible on his part for the happiness and satisfaction of his people, So he hopes that all wise Protestants whatsoever, Laying aside all prejudices will fairly meet his good Intentions and give him one of the best Arguments in the world in favour of protestants, which is doing him Justice, the essential part of Religion.

"He is resolved never to abandon what is his Right by the Laws of God and man; the consequences of a disputed Succession which has excluded so many others of the best families in Europe as well as himselfe must be fatal to this and after Generations. For his own part whatever shall happen att any time to be the Situation of affairs in Europe he hopes always to have friends to espouse so just a Cause, and there can be no other way to cure or prevent the Calamity and Confusions of unsettled nations, but by restoring of right and establishing of Government Upon Just, Loyal and ancient foundations.

"For these and many other undeniable reasons his Majesty hopes that those who have any regard for their own or posteritys happiness will in cool blood open their eyes and consider how inconsistent it is with wisdom and Interest as well as Christianity to continue any Injustice which has already cost so many Millions of men and money and to run on further in the Labyrinth when the only remedy is not only Just and honourable but natural, easy, and certainly the Interest of every man who is not his own enemy.

January 3d
1719."

There is also in the same parcel of papers in MS. :—

"Declaration of James the 3rd King of England, Scotland & Ireland &c., To all his loving subjects of the three Nations and to all foreigne Princes & states to serve as a foundation for a lasting peace in Europe."

But as this document is well known in history it is thought unnecessary to insert it here. It is dated "at our Court at Lucci this present 10th of Sept. and in the 21st year of our Reign."

The first movement on Deeside on behalf of the exiled Stuart family originated with Lord Lewis Gordon. He appointed Francis Farquharson of Monaltrie and James Moir of Stoneywood to be colonels, under whom, in various positions of command, were Charles Gordon of Blelack, young and rash; Gordon of Pronie, from his great stature styled "Muckle Pronie"; Harry Farquharson of Whitehouse, in the Braes of Cromar; James Farquharson of Balmoral, and some others of less note. These, however, did not go into England, nor did they join the Prince's army till about the 15th January, 1746, when it was laying siege to Stirling Castle. They were all present at the Battle of Falkirk on 17th January, and shared in the victory over General Hawley. They formed with the men of Athole and Angus, the second line of battle, and the victory was almost complete before they were brought into action.

The first duty imposed on his officers by Lord Lewis was to raise men and money throughout the district. Immediately on Invercauld's understanding that his nephew, Monaltrie, intended to embark in the cause of the Prince, he deprived him of his commissionership; but during his tenure of that office he had acquired considerable influence with the tenantry, which his suave manner and kindly disposition had much increased. Nevertheless, much difficulty was experienced in raising the men. As late as the 26th November, 1745, we find Lord Lewis writing to Stoneywood:—

"I ame to send you fifty or sixty men from this place which I hope will be suficient, with what you already have, to enable you to reduce the outstanding people to reason. I find it is the opinion of every bodie that hase tryed the recruiting in that way, that there is no receding from demands, or givinge the least concessions; and I doubt not but you will find it the best way to threaten a great deall, and even do some strong things to those who are most refractory. I have a letter from Blelack, who hase execute his orders to very good purpose, notwithstanding what opposition he met with from Invercale, whose people as well as Lord Braco's in that countrey, he has obliged to comply. No pains shall be spared to raise the men, as proposed, from the valued rent: and for that end as soon as I finish this, am to make out leters to severall gentlemen in ten or a dozen parishes round to have their different quotas of men here, under the pain of military execution, which I ame resolved stricklie to execute against every deficient heritor.

Lewis Gordon."

Monaltrie continued in this employment until near Christmas, when,

to put a stop to these exactions, the Laird of McLeod was despatched from Inverness. Lord Lewis Gordon thereupon assembled his forces at Aberdeen. Monaltrie was there with his 300 Farquharsons, and Blelack with 100 followers, fifty of whom he had raised in Cromar; the other half had been sent him from Kildrummy and the country around. In a short time Lord Lewis found himself at the head of a little army, 1200 strong. Meanwhile, McLeod, marching from Moray, was kept in complete ignorance of his Lordship's movements and strength. In fact, he was led to believe that he was on his march southward to join the Highland army on its return to Scotland. On the other hand, Lord Lewis had the fullest information regarding McLeod's movements and the disposition of his force, and was lying in wait for a favourable opportunity to attack him.

THE SKIRMISH AT INVERURIE.

This was the first action in which Monaltrie and his Deeside Farquharsons were engaged.

McLeod entered Aberdeenshire at the head of 700 men, and, in his fancied security, had the temerity to divide even this small force into two parties, leaving one, numbering 200, under Colonel Munro at Old Meldrum, and marching at the head of his own clansmen to Inverurie, where he quartered them partly in the village, and partly in the neighbouring farmhouses. On a bright moonlight night, 23rd December, 1745, Lord Lewis Gordon, having marched his whole force from Aberdeen in the afternoon, fell unexpectedly upon the McLeods, who were only 300 strong, 200 being cantoned in the country around. The fight was unequal, even if they had not been taken by surprise; yet McLeod succeeded in getting his little band together, and made a gallant stand for half an hour, and might have continued it longer had not his ammunition failed.

It is needless to say that the McLeods were defeated. Among the Gordons there was immense jubilation over their victory. They marched back to Aberdeen in triumph, pipes playing, and banners flying; seized the provost in his own house, dragged him to the *plainstones*; and, as he still refused to drink King James's health, they poured the liquor down his breast. some say, his throat.

Not much time was wasted at Aberdeen; and very soon the whole force was on its march to join the Prince's army now returned to

Scotland. The junction took place, as already stated, at Stirling, while the army was engaged in besieging the castle. The battle of Falkirk was fought on the 17th of January, 1746, a brilliant but fruitless victory for the Highlanders.

In the battle, which was planned and conducted by Lord George Murray, Monaltrie with his Farquharsons occupied the 2nd line along with the Athole men, the Ogilvies, Gordons, and some Lowland regiments. They came into action just at the critical moment and secured a complete victory. It is needless to describe the battle as that has been done by many pens. The loss of the Farquharsons was slight, the only person of note in Monaltrie's regiment who suffered was James Farquharson of Balmoral, who was a man much past middle-life, and whose wound, though not serious, disabled him from taking any further part in the rising.

After the action the army returned to prosecute the siege of Stirling Castle, where Monaltrie's and Bleack's men had much hard work in the trenches, work which the other Highlanders did not at all relish. Finding their efforts to take the Castle in vain, they raised the siege, and on the 1st of February set out on their retreat to the North. At Crieff the army broke up into two parties, one following the Highland road through Blair Athole. This division was commanded by the Prince in person. The other party, under Lord George Murray, took the Lowland road to Aberdeen. At Coupar-Angus, where they arrived on the 3rd February, the contingent under Stoneywood and Monaltrie took the short way over the Capel Munth.

On their arrival at Cortachy on the 4th February, the colours were lodged and the men dismissed to shift for themselves for two days. On the 6th they assembled in Clova; but, the weather being bad, they returned to Cortachy. On the 9th the colours were again up the Glen in Clova. Here they were storm-stayed for two days; but on the 12th they succeeded in crossing the Capel Munth and reaching the Spittal of Glenmuick. From this, on the 13th, they proceeded to Glenmuick Kirk, and thence next day—being Friday—to Coldstone in Cromar. Here the men were rested for only one day, the colours being conveyed to Tarland. On the 16th February they marched all the way to Reny (Rhynie) and next day to Keith.¹ After this there was a good deal of

¹ *Spalding Club Miscellany, Vol. I., pp. 277-439.*

marching and counter-marching, mostly in Morayshire. The English army, under the Duke of Cumberland, was following on their track, and detachments were scouring the country with the view of cutting off straggling parties. Fondly would Blelack's company and Monaltrie's have stayed behind or returned; but they could not with safety do so now. They had not a moment's rest till the fatal 16th of April, 1746. The northward march had indeed been so contrived as to enable most of them to visit their homes and deposit their booty; and in the remoter glens not a few remained safe from the English pickets for several weeks. The following letter clearly shows the condition and discipline of the Highland army after its return to the north. A considerable number of the Farquharsons had reached Braemar by the Cairnwell, while Stonywood and Blelack, as already stated, were still storm-stayed in Glen Clova. The former had quartered themselves on the Invercauld tenants, and taken in the mansion of the chief:—

“The Laird of Auchriachan to the Laird of Stonnywood.

“Colonel James Moir of Stonnywood, at Aberdeen.

“Honoured Sir,

“I was very sorry to have missed you at Braemar, where I expected to have received orders, as I was within 12 miles of my own country (Glenlivet), and wanted to get home and raise more men, particularly my deserters; however my men declined going to Aberdeen, and would by no means condescend to go until they once got home to see their families, and my going without them alone was losing them for good and all, so that I presumed to go along with them in hopes of making some few more, and to keep them together. However I thought it my duty to run you this express, to receive your orders, and to learn where I am to meet and join battalion, which I can do at Strathbogy or Fochabers (if you march to Inverness), as both these places are within sixteen miles of my house.

“I spoke to Mr. Abernethy this morning, calling for this week's pay, but he had it not, so that if you please to remit me a week's pay or so, by this bearer, this shall serve as a receipt for the same; for, as I desire to raise men, I must have my men close on duty and on parties. If you want any Highland plaids or tartans for the men acquaint me, and I will endeavour to provide some. I beg you'll forgive this freedom, and believe me to be, honoured Sir, your affectionate humble servant.

Donald Farquharson,

“Invercauld, 9th February, 1746.”

Donald Farquharson of Auchriachan was a Captain in Monaltrie's regiment, and an ancestor of the Alargue family. It is easy to see where he was to get the Highland plaids and tartans. The House of Invercauld was well stored with these articles, and Donald had no scruples in making free with them.

The Farquharsons, or such of them as could be kept together, were quartered in Moray and Nairn—the country where Lochiel of old thought every man was entitled to take his prey, and where, it is feared some of the Farquharsons acted on that principle; for they had become very unruly, and cannot altogether be exculpated from having had some share in plundering the House of Cullen. It took all Mr. Farquharson's influence to prevent them from behaving in a somewhat insulting manner to the inhabitants. This will further appear in declarations which were afterwards made by ministers and others in his behalf.

In the battle of Culloden, which took place on the 16th day of April, 1746, the Farquharsons were not present in full force. Most of the Inverey men had remained at home after reaching their own country from the south, and when called out were too late to take part in the battle, being only in time to meet the fugitives some five or six miles from the fatal field. Those who were in time were joined to the M'Intoshes, and were the first to make the attack on the English, having their station on the right centre of the front line of battle.

There is no need to describe the action, which only lasted about forty minutes; everyone knows how it ended. Blelack and Stoneywood escaped, Monaltrie was taken prisoner, and Harry Farquharson, of Whitehouse, slain on the field. The havoc among the rank and file was fearful; but no account has survived of the slaughter of the Deeside contingent.

Sir Henry Ponsonby, writing under the nom-de-plume of SEBASTIAN, in *Scottish Notes & Queries*, Vol. IV., gives the following account of the action of the Farquharsons in the battle:—

"A mixed brigade contained contributions from various clans, and was commanded by the Chief of Maclachlan. But after he was killed in an early part of the action by a round shot, Lieut. Colonel Francis Farquharson led the corps. It originally consisted of 500 Frasers, under Fraser of Inverallachie, 500 Macintoshes, 300 Farquharsons from Monaltrie and Balmoral, under Farquharson of Monaltrie, 40 Maclachlans, and 400 Macleans, under Maclean of Drimmin. The next body consisted of 400 Macleods. Then the Chisholms under their own chief."

Francis Farquharson of Monaltrie, the "Baron Ban," was taken prisoner at Culloden, as already stated. From Inverness he was sent in a transport vessel to London with several others in the same unhappy position. It was generally remarked of him that he was the handsomest and finest-looking officer in the Prince's army.

On his arrival in London he was first committed to the Tower and afterwards to the Marshalsea Prison. His name appears in a long list of attainted leaders in the rebellion issued by the Government early in May, 1746. In this list also are included the names of Lord George Murray, Lord Lewis Gordon, James Moir of Stoneywood, John Gordon of Glenbucket, and several other gentlemen belonging to the north-eastern shires. In a "List of the rebel officers, prisoners on board the transports arrived at Woolwich," he is styled Colonel Francis Farquharson, and ranks fourth among forty-five taken at the battle of Culloden. A bill of indictment for high treason was lodged in court against him on 23rd August, where he is described as "Francis Farquharson, Colonel of his own regiment," and along with him a "John Farquharson, Captain in ditto." We have not been able to discover for certain who this Captain John Farquharson was, but think he was the Laird of Allenquoich in Braemar. True bills for high treason were found against them and the other prisoners mentioned in the previous list; and they were remanded till their trial should be fixed.

"On Tuesday, 2nd September, Mr. Justice Foster being seated on the bench, at St. Margaret's Hill, Mr. Attorney-General moved that the prisoners, against whom Bills of Indictment were found, might be brought to the Bar and arraigned thereon." This was done, when eighteen of them, among whom were Monaltrie and his captain, John Farquharson, pleaded not guilty. "And then the Court adjourned to 13th October." Up to that time almost every available day was occupied by the court sitting at St. Margaret's Hill, Southwark, trying the rebels, who were brought in batches of ten or a dozen at a time. During these trials some curious items of information were elicited.

A curious scrap with marks *v* after most of the names has this docket upon it:—

"This is supposed to be a List of those who were Prisoners with Francis Farquharson of Monaltrie in the New Jail in 1746.

- | | | | |
|----|--|----|--------------------------------|
| 1 | Sir James Kinloch, <i>v</i> . | | |
| 2 | Sir John Wedderburn, <i>v</i> . | | |
| 3 | Francis Farquharson, <i>v</i> . | | |
| 4 | Fina. Farquharson, <i>v</i> | 26 | Charles Kinloch, <i>v</i> |
| 5 | Henry Ker, <i>v</i> | 27 | Alexr. Kinloch, <i>v</i> |
| 6 | James Stuart, <i>v</i> | 28 | Alex. Cumming, dead, <i>v</i> |
| 7 | James Bradshaw, <i>v</i> | 29 | Adam Hay, <i>v</i> . |
| 8 | George Hay, | 30 | Thomas Lindsay, <i>v</i> |
| 9 | Gabriel Fox, <i>v</i> | 31 | Peter Cushnie, <i>v</i> |
| 10 | Chas. Oliphant, <i>v</i> | | says his name is Patrick. |
| 11 | William Moore, <i>v</i> | 32 | Alexander Low, Junr., <i>v</i> |
| 12 | Roderick McCulloch, <i>x v</i> | 33 | John Duncan, dead, <i>v</i> |
| 13 | John Campbell, dead reced. <i>v</i> | 34 | Nichs. Glass, <i>v</i> |
| 14 | Andrew Wood, <i>v</i> | 35 | Peter Calder, |
| 15 | Allen Cameron, <i>x d</i> : Dar <i>v</i> | 36 | Willm. McCorre, |
| 16 | Duncan Gordon, <i>v</i> | 37 | Alexander McLauchlan, <i>v</i> |
| 17 | Geo. St. Clair, <i>v</i> | 38 | Alexr. Buchanan, <i>v</i> |
| 18 | Colin McKenzie, <i>v</i> | 39 | Jno. Kerns, dead, <i>v</i> |
| 19 | Rod: E. McKenzie, <i>v</i> | 40 | Kenneth McKensy, <i>v</i> |
| 20 | Wm. McKenzie, <i>v</i> | 41 | John Gray, <i>v</i> |
| 21 | Hector McKenzie, <i>v</i> | 42 | George Law, <i>v</i> |
| 22 | Tho: Watson, <i>v</i> | 43 | James Stormont, <i>v</i> |
| 23 | Andrew Spark, <i>v</i> | 44 | James McCuddie, — <i>d v</i> |
| 24 | Alexr. Grant, <i>v</i> | 45 | Lancelot Colbert, <i>v</i> ." |
| 25 | James Rattray, Junr., <i>v</i> | | |

Before the trial came on several of the prisoners of the less prominent rank had made their escape, sometimes by very ingenious contrivances. Only the leaders and those against whom some special crime was charged seem to have been very strictly guarded. At Carlisle 127 prisoners were put upon trial, of whom 91 received sentence of death, but they were not all executed. If not so many at York there were more in London. Before the eventful 13th October it had become evident that the wisest course for the prisoners was to plead guilty, and throw themselves on the king's mercy. The English people had become satiated with executions, and were now more disposed to mercy, especially as the rebellion seemed to be thoroughly stamped out. Accordingly, when put on their trial, both Colonel Francis Farquharson and his captain, John, pleaded guilty; but no symptom of mercy appeared in either judge or jury, and sentence of death was passed upon them. Whether the captain suffered is not known; but this is what we read of Monaltrie:—

"The rebels who were executed on Kensington Common, on 28th November, behaved with much unconcern. Hamilton smiled several times before he was put into the sledge, and Wood called for a glass of wine and drank the Pretender's health. Colonel Farquharson, Thomas Watson, and James Lindsay were to have suffered with them; but the two former were reprieved early in the morning, and the last as he was haltering to go into the sledge."

Though Monaltrie was reprieved he was not pardoned, and was sent back to prison to wait the king's further pleasure.

Meantime his friends in Scotland were getting up Petitions for his pardon and release. The following will show the estimation in which he was held by the ministers of the Church of Scotland:—

"TO HIS GRACE THE DUKE OF NEWCASTLE
One of His Majesty's Principal Secretaries of State.

"The humble Petition of the Moderator and
Presbitry of Kincardine in the shire of Aberdeen.

"SHEWETH,

That Francis Farquharson, now a Prisoner in the new Gaol Southwark for High Treason, is the son of Alexander Farquharson of Monaltrie, who on all occasions acquitted himself as a Firm Friend to the present Government in Church and State, and served both very faithfully while he lived, in the character of a Ruling Elder and Justice of Peace.

"That Francis Farquharson, the son, having resided mostly in our neighbourhood his character and position are well known to us (*the paper is here so torn as to be illegible over a whole line*) given us great satisfaction, Not only as it was agreeable to the dictates of Humanity and strict morality, but in regard that He was extremely active in promoting and encouraging Industry among the Poor, And in carrying on great roads, Bridges, and other public Works very useful in this Country; In promoting Charity Schools, so necessary for instilling good Principles into our Youth, and generally in assisting Us with all his power in the exercise of those Christian Duties our Functions require.

"And though he was unhappily seduced into this Rebellion, by Persons of greater Art who practiced upon his understanding, yet his Humanity and social Virtues continued unpoluted by the dangerous influence that there prevailed, as appeared in [his] moderate behaviour to, and Protection of Us, from the Dangers to which our Loyalty to His Majesty exposed us at the time; And in his Lenity towards His Majesty's Officers who were taken Prisoners by the Rebel Army, which several of them have been so generous as to acknowledge, was the means and . . . by which they were enabled to make their Escape.

"Your Petitioners being sensible of the Truth of these Facts, beg leave humbly to Represent them to Your Grace. The great interest We have in this unhappy young Gentleman, as being the Son of a Worthy member of Our Church as well as" (*a whole line is here torn and unreadable ; the succeeding line is almost in the same state but seems to read thus :*) "For his personnal good qualities ; And our firm persuasion of his unfeigned sorrow and repentance for the . . . committed, and that in Case his Life is spared he will prove for the Future a most gratefull as well as dutyfull Subject to His Majesty and a usefull member of Society, are the powerful Inducements that inforce Us, My Lord, to make this our most earnest Application to Your Grace for Your powerful intercession in his Favour with His Majesty, whose Royal Mercy in this Instance will fill Our hearts with the greatest Joy and Thankfulness, as a peculiar mark of his Royal Bounty to Us and Our Bretheren who shall not fail to offer up Our Daily Prayers to Almighty God to bless His Majesty and His Royal House and Progeny to the latest Generations.

"James Paterson, Minister at Coull, Moderator of the Presbitery.

James Robertson, Minister at Innermuck.

Jo : Shepherd, Minister at Logie Coldston.

Geo : Shepherd, Minister at Tarland.

Geo : Shepherd, Minister at Aboyne.

William Abel, Minister at Kincardine O'Neil.

James Douney, Minister at Lumphanan.

Alexr. Garioch, Minister at Midmar.

Ro : Michie, Minister at Cluny.

M[artin] Shank, Minister at Banchory Ternan.

L[ewis] Reid, Minister at Strachan.

A[lexander] Garden, Minister at Birse."

Another petition, with the same object and addressed to the same quarter by the Presbytery of Alford, after setting forth the particulars contained in the first paragraph of the above, proceeds :—

"And though he unfortunately fell into the Infatuation of the dangerous Rebellion above mentioned, yet we have undoubted Information that his Natural Benevolence was not corrupted by the ill Example or Influence of Others ; but on the conterary that his

Behaviour to His Majesty's Officers and soldiers, who were Prisoners in his Care, as well as to many of Our Bretheren, the Clergy, and others His Majesty's faithful subjects, was always humane and to the utmost of his power Indulgent.

"We further humbly Represent that from our knowledge of the said Francis Farquharson and his character We are fully persuaded that in case His Majesty shall be graciously pleased to spare his Life, he will prove for the future, a sincerely Loyal and Dutiful Subject to His Majesty, and an useful member of Society; and utterly incapable of relapsing into the like wicked Delusion.

"From these motives We beg leave Humbly to Interest ourselves in favour of this unhappy Object of Your Gracious' Compassion and as it would give us and our Bretheren in this county the greatest Satisfaction to have him restored to his Country, by virtue of His Majesty's great and known Clemency, We most earnestly and with the greatest submission, request and entreat your Grace's Most powerful Intercession with His Majesty on his behalf for a Pardon of the Crimes he hath committed; Which We shall ever acknowledge as a most Gracious mark of His Majesty's Bounty to Us and Our Bretheren Who shall ever, as we have hitherto Done, offer up Our Prayers to Almighty God to shower down Blessings on His Majesty and his Royal House.

"This memorial is perscribed (sic) by

Tho : Gordon, Minister of Cabrach, and
Moderator of the Presbitery.

James Lumsden, Minister at Towie.

John Lumsden, Minister at Strathdon.

Wil. Thain, Minister at Auchendore.

Pat. Reid, Minister at Clatt.

Wal. Syme, Minister at Tillynessel.

Alexr. Strachan, Minister at Keigg.

Wil : Miln, Minister at Kildrinnie.

Thos. Reid, Minister at Leochel.

Frns. Adam, Minister at Cushny."

The above two papers are much chafed and torn through frequent handling. They are evidently duplicates although not so described.

The ministers of the Presbytery of Kincardine O'Neil were, however, not satisfied with merely such a formal petition, but addressed another

memorial in which many particulars of the life and circumstances of young Monaltrie are set forth. There are two copies of this document both bearing the autograph signatures of the several ministers. It is interesting as containing these particulars, and is therefore given *in extenso* :—

“WEE cannot omit to declare our Concern for Francis Farquharson of Monaltrie who has been unhappily Seduced to enter into this Unnatural Rebellion.—He is the son of Alexander Farquharson of Monaltrie, Who did on all occasions acquitt himself a firm friend to the present Government in Church and State, and Served both very faithfully in the character of a Ruling Elder and Justice of Peace as long as he lived.

“His small Estate having been burdened with two liferents and a good deall of debt, Francis Farquharson was obliged for his own Support to undertake the management of Another Gentleman's fortune in the Neighbourhood¹ and as his residence was for the most part in the country we had dayly oppertunities of observing his temper and conduct, Which we must acknowledge gave us much Satisfaction, as we could hardly observe him to faill in excerising any of the Sociall virtues, when an Oppertunity fell within his Sphere.—But it was his Misfortune to fall into an Intimacy with some Gentleman of Note,² Who afterwards did not only enter into the Rebellion themselves but were great pains to Induce others to Joyne them, And knowing Francis Farquharson's strict principles of veracity, prevailed with him to make a promise to that purpose; Which, from a Mistaken Notion of Honour, he thought himself obliged to Implement.—This gave great Concern to all the well wishers of the Government in the Neighbourhood and particularly to us and our Bretheren in the same profession, as he never mis't an oppertunity to encourage all the Ministers of the Church within the bounds and to Strengthen their hands in the Excerise of the Duties of their FUNCTIONS, And was particularly remarkable for giving assistance to the Chariety Schools in the Neighbourhood, And in the publick Spirit he showed in persuading, encouraging and directing the poor Country people to Labour and Industry and to Improve the Manufactures, And in making

¹ This was his Uncle's estate of Invercauld, over which he had been appointed Factor or Commissioner.

² It is not certain who these gentlemen were, but it is probable the reference is to Lord Lewis Gordon and Mr. Moir of Stoneywood. The former stood in the same capacity to his brother, the Duke of Gordon, that Monaltrie stood to his uncle of Invercauld, a sort of commissioner over their estates, and they were thus brought into close business relations each other. Mr. Moir of Stoneywood was a leading Commissioner of the Peace in the County, and the intimate friend of Monaltrie, and so had much influence over him.

good and patent roads in those places of the country where they were exceeding Serviceable for carrying on of trade and Commerce as they are for the Easy march of his Majesty's Forces to the Highland places of this Shire. And even after he was Embarked with the Rebels, his former temper appeared in several instances which are come to our knowledge, particularly in his Conduct towards the prisoners who were taken by the Rebel Army, And his Mild and Moderat behaviour towards us and all those well effected to His Majesty's Government in our bounds, nor did we ever hear or could observe that he showed such keenness and Activity in Instigating others to Joyn the Rebel Army as many have done.

"We think ourselves obliged for the sake of truth to certify these facts which consists with our proper knowledge, and are fully persuaded that there is no person engaged in this wicked affair who can be a more proper object of the Royal Clemency; And we are fully persuaded that, if His Majesty shall be pleased to Confer it upon him, he will continue a loyal Subject to the End of his life.

"We must acknowledge we are under the greater Concern for his being restored to his Country that we have had so much Experience of the advantage of his Residing among us, and that in him we are deprived of a most useful Member of Society.

"John McInnes, Minr. of the Gospel at Crathie in this County.¹

Francis Daune, Minr. of the Gospel at Lumphanan In Abdn. County.²

Geo: Shepherd, Minr. of the Gospel at Tarland in Abdn. County.³

Geo: Shepherd, Minr. of the Gospel at Aboyne in Abd. County.⁴

William Abel, Minr. of the Gospel, Kincardine O'Neil in Aberdeen County.⁵

Ro: Michie, Minr. of the Gospel at Cluny, in Abdn. County.⁶

Alexr. Garioch, Minr. of the Gospel at Midmar, in Abdn. County.⁷

M. Schank, Minr. of the Gospel at Upper Banchory, County of Mearns.⁸

Lewis Reid, minister of the Gospel at Strachen in the County of Kincardine.⁹

Al: Garden, minr. of the Gospel at Birse in Aberdeen County.¹⁰

James Paterson, Minr. of the Gospel at Coull, Aberdeen County.¹¹

Ja: Robertson, M.A., Minr. of the Gospel of the Church of Scotland in the parish of Glenmuick, and county of Aberdeen.¹²

1. "JOHN M'INNES, A.M., a native of Inverness-shire, was lauréated at the Univ. and King's College, Aberdeen, 20th April 1710; licen. by the Presb. of Aberdeen 14th Dec. 1714, called between 26th May and 10th June, and ord. 10th Aug. 1715; he petitioned the Gen. Assembly for an act of transportability, when they resolved, 6th May 1726, he shall continue a year longer in the parish, but after that the Presb. is allowed to grant it if they see cause; trans. to Logie Coldstone 5th Oct. 1748."—*Scott's Fasti*.

This is the clergyman referred to in the Family Papers, p. 355.

2. "FRANCIS DAUNEY, A.M., studied at the Marischal College and Univ., Aberdeen, licen. by the Presb. of Garioch 10th June 1742, called, 2d March, and ord. 8th June 1743; trans. to Banchory-Ternan 21st June 1758."—*Scott's Fasti*.

Mr. Jervise records the following anecdote:—Mr. Dauneay is said to have been in every respect a good example of the clergyman of the old school. Some anecdotes are still told of him on Deeside: among others, it is said that in Mr. Dauneay's old age Mr. Douglass of Tilwhilly charged him publicly on some occasion with inability to perform his parochial duties. This Mr. Dauneay determined to disprove, and one Sunday, while the laird was in church, he preached "two turns of the sand glass," and was about to commence a third when Mr. Douglass moved to leave the church, upon which Mr. Dauneay exclaimed, with emphasis—"Will you say noo, Tilwhilly, that I canna insist?" (*i.e.* preach.) (*Epitaphs and Inscriptions*, Vol. II., p. 5.) This anecdote, with some humorous expansion, obtained much currency at the dinner tables of the local gentry.

3. "GEORGE SHEPHERD, son of Mr. John Shepherd, min. of Logie Coldstone, studied at the Marischal College and Univ., Aberdeen, called by the Presb. *jure devoluto* 6th and ord. 21st Sept. 1738; trans. to Newbattle 18th June 1754."—*Scott's Fasti*.

Mr. Shepherd was a member of a family largely represented in the Church of Scotland, and afterward distinguished as administrators in the Council of India.

4. "GEORGE SHEPHERD (a relative of the above), licen. by the Presb. 3d June 1713, called by the Presb. *jure devoluto* 22nd Feb.; and ord. 29th March; died 16th Dec. 1752, in 37th min. leaving issue."—*Scott's Fasti*.

5. "WILLIAM ABEL, trans. from Lumphanan, pres. by Sir Arthur Forbes of Craigievar in June, and adm. 14th Oct. 1742; died 21st July 1771, in 39th min."—*Scott's Fasti*.

6. "ROBERT MICHIE, studied at the Marischal College and Univ., of Aberdeen, licen. by a Dissenting Class at Dublin, and admitted as a probationer by the Presb. of Alford 16th July 1740, pres. by Sir William Gordon of Park in May 1742, and ord. 29th June 1743; died 15th June 1794, in his 77th year and 51st min. He mar. 9th Jan. 1753 Janet Fraser, who died 9th April 1790, aged 75."—*Scott's Fasti*.

7. "ALEXANDER GARIOCH, A.M., trans. from Kinnairney, pres. by Sir William Forbes of Craigievar in Aug., but called by the Presb. *jure devoluto* 11th Sept., and adm. 31st October 1717; died 13th Dec. 1758, in his 82nd year and 53 of his min. Isabel Gordon, his widow, died 10th Dec. 1778."—*Scott's Fasti*.

8. "MARTIN SCHENK, A.M., trans. from Newhills, called 9th April, and adm. 12th July 1699; died 18th April 1747, aged about 75, in 53d of his min. His only son, Mr. Alexander of Castlerigg, bequeathed £100 to the poor of the parish."—*Scott's Fasti*.

9. "LEWIS REID, son of Mr. Thomas Reid, born in the parish of Banchory-Ternan, and bapt. 28th Dec. 1676, called 9th Dec. 1703, by the Presb. *jure devoluto*, and ord. 21st March 1704; died 26th Nov. 1762, in his 86th year and 59th of his min. 'Respected by all who knew

him for piety, prudence and benevolence, inheriting from his ancestors that purity and simplicity of manners which became his station, and a love of letters, which, without attracting the notice of the world, amused his leisure and dignified his retirement.' He marr. 1st Margaret, daught. of David Gregory of Kinnairdie (one of twenty nine children), and had a son Dr. THOMAS, distinguished as a metaphysician, and Professor of Moral Philosophy in the Univ. of Glasgow, and a daughter, Elizabeth: 2dly, JANET, daughter of Fraser of Phopachy; she died 26th Jan. 1798, aged 87, and had two daughters, Margaret, who marr. the Rev: Alexander Leslie, of Fourdoun, and Grace—the Rev: John Ross of Udny."—*Scott's Fasti*.

10. "ALEXANDER GARDEN, A.M., trans. from Kinnairney. called by the Presb. *jure devoluto* 24th Aug., and adm. 12th Oct. 1726; died 5th Feb: 1778, in his 91st year and 58th min. He marr. 2nd Sept. 1759 Janet Robertson, who died 5th Feb. 1810, and had two sons, Dr. Alexander, physician, Charlestown, So. Carolina, known for his learning and courtesy, and John, merchant, London."—*Scott's Fasti*.

It may be added (Jervise's *Epitaphs and Inscriptions*, Vol. II., p. 45.) "A marble tablet, built into the outer and south wall of the Church of Birse, bears this inscription to the Rev. Alex. Garden:—

"Viro optimo A. G., hujusce ecclesie multos annos pastori, qui pietate, literis, morumque suavitate sacro-sancta evangelii instituta illustravit. Inconcussa in patriam fide saevos inter belli civilis furoribus laborantibus nec ope, nec concilio, nec hospitio defuit. Nec non matri dilectissimae, pauperum patronae, hunc lapidem, tantarum virtutum monumentum eheu! caducum post peregrinationem XXXVIII. annorum tandem redux Alexr. Garden, posuit, M.D. CC. LXXXIX.

[“To the memory of an excellent man, A. G., for many years minister of this church, who by his piety, learning, and uniform sweetness of disposition, illustrated the most holy precepts of the Gospel. Of unshaken fidelity to his country, he afforded aid, counsel, and hospitality to the distressed during the savage fury of the Civil War: And also to the memory of his most dearly loved Mother, a benefactress of the poor. Alexander Garden, in 1789, on his return after an absence abroad of 38 years, erected this stone, as, alas! a perishable memorial of so great virtues.]

"Mr. Alex. Garden, who came to Birse in 1726, and died there in 1777, aged 97, was previously minister of Kinerny. He was passionately fond of music, and played the violin with so much enthusiasm that before coming to Birse he had earned for himself the sobriquet of 'the feel (foolish) fiddler of Kinerny!' It is said that he composed the tune of 'Jenny dang the weaver,' in celebration of a dispute that his wife had with a local 'customer weaver,' in which the lady was victorious. In Thomson's *Orpheus Caledonius* (1773), a scarce and valuable collection of Scots Songs set to music, the song 'O' mither dear I 'gin to fear' is set (11.83) to the tune of 'Jenny beguiled the webster.'

"Mr. Garden had a son who was bred a saddler, and on going to London he established the house of Garden & Co., Piccadilly, accountment makers and army saddlers. He made a fortune by his business, and bought an estate in Norfolk, which is still held by descendants. Another son (the erector of the above tablet) was a physician at Charleston, South Carolina, an able naturalist, and a correspondent of Linnaeus."

Mr. Garden's musical and poetical tendencies led him to an intimate intercourse with John Skinner, the celebrated author of "Tullochgorum," "The ewie wi' the crookit horn," etc., who was a native of the parish.

11. "JAMES PATERSON, pres. by Sir Arthur Forbes of Craigievar in April and ord. 1st Nov. 1734; died 10th Jan. 1789, in his 86th year and 55th min. Two sons, James and John, were physicians in Jamaica, and a daugh. Helen married Mr. William Morrice, min. of Lunphanan."—*Scott's Fasti*.

12. "JAMES ROBERTSON, called 8th Jan., and ord. (at Tullich) 22nd March 1699; he was on a visit to England from 8th April to 9th September 1716, and died 15th July 1747, aged about 74, in 49th min."—*Scott's Fasti*.

From Jervise's *Epitaphs and Inscriptions* we quote the following :—

“From a flat slab :—

“Here lies the Rev: James Robertson, minister of Glenmuick, who, after a life devoted to the glory of God and the good of mankind, died 11th July, 1748. Blessed are the dead. Revf. 14th and 13th.

“Mr. Robertson, who was a son of the famous Baron Ruie, was the first Presbyterian minister of Glenmuick. He was ordained in 1699, and in 1704 he made up a list of the Papists in the united parishes, in which he gives many graphic delineations of character. (Blackhall's Narrative, xxxi. iv.).”

Mr. Robertson's mother was a daughter of Robert (II.) of Invercauld, and, like her father, a zealous covenanter. He left a MS. memoir of his mother, which is believed to be still extant in the Advocates' Library, Edinburgh, wherein he records many of her pious observations, as well as some predictions she made regarding the future of the Presbyterian Church in Scotland.

These duplicate memorials are signed by all the members of the Presbytery, but not in the same order ; and they designate themselves in various ways. The signatures are curious, and might afford scope for the talents of such as pretend to read one's character from one's handwriting.

*“Petition of the Master of Ross &c. in
favour of Francis Farquharson of
Monaltrie, August 8th 1746.*

“WEE think ourselves obliged in Justice and out of regard to truth to give you . . . this trouble to inform you of what consists with our knowledge with Respect to the behaviour of Francis Farquharson of Monaltrie while we had the Misfortune to be prisoners with the Rebels, that he not only behaved himself with very great moderation towards us and all our fellow prisoners But so far as was in his power, laid himself out on all occasions to prevent our Being insulted or any hardships to be put upon us, and particularly when we were first put under his care at Darnaway, he allowed us to walk at some distance from the house (a Century (sic) following). Tho' the person styling himself Lord Nairn had been reprimanded By the pretender's Son for the Indulgency shewed us at Forrest (Forres) ; and afterwards at Nairn, when he received positive orders from the Secretarie, Mr. Murray of Broughtown, to keep us confined in one house with an officer's Guard upon us, and to allow none of us to go out upon no pretence whatsoever ; He told us he was extremely sorry for it, as he had resolved otherwise to treat us in a different manner, But that he would (treat) us as Civilly as he Could Consistent with his orders, and permitted us sometimes to walk about the Town, tho' he could not be answerable for it. When some of the private men were confined in the prison of Forrest whilst we were at Darnaway, had found means to make their Escape, His officer proposed to him to use the others extremely Ill By way of revenge, But he absolutely refused to Do it.

"Wee understand that this Gentleman's tryall may soon come on, and therefore we expect Your . . . Will represent this in such manner as you think most proper, We are

Your most obedient humble
 Servants
 Pat: Grant. William Ross.
 William Grant. Charles Ross.
 Jno. Grant. David Ross.

"I Mr. Charles Maitland of Pittrichie, Advocate, who was prisoner detained by the Rebels along with the other Gentlemen Subscribing the above Certificat, viz., the Honourable the Master of Ross and Charles and David Rosses Leutenant and Ensign of his Company And the Gentlemen of the name of Grant officers of Grant of Rothymurcus Company, DO CERTIFY that the facts set furth in the Above Certificat subscribed by these Gentlemen are True.

"Given under my hand at Edinburgh 8th Augt 1746.

Cha. Maitland."

Another testimony in favour of Mr. Farquharson of Monaltrie must not be omitted as it refers to a special occasion. It is as follows:—

"I, Mr. Alexander Rose, minister of ye Gospel at Nairn do declare that Francis Farquharson of Monaltry Esqr., of whom I had no Acquaintance till he came hither with men during the late wicked and unnatural Rebellion, did while he continued here use all Ranks among us with great Humanity, And in sundry Instances consistent with my knowledge did relieve and protect ye well affected from Injuries and Affronts, and particularly with Respect to me though in ye hearing of his men, I prayed for our Sovereign nominatim (as I did formally in the midst of hundreds of Rebels) for the Prince and Princess of Wales, for ye (Duke?) and all of the Rest of the Royal Family, for Direction to His Majesty's Counselors and Success to his Arms against all his enemies at home and abroad, and especially for the speedy and intire Supression of ye wicked Rebellion in which so many of our deluded country were then unhappily engaged, Yet Monaltry was so far from disapproving my Conduct, that he gave such orders to his men, and took such effectual Care that I did not receive ye smallest Insult from them.

"I likewise witnessed his using ye Officers, who were Prisoners under his Charge with great indulgence and Civility and was well informed by many under his command, When to their great Surprise they found these Gentlemen made their escape, which they Judged was principally owing to me, vehemently urged yt I should be immediately seized and most severely used, yea I actually heard his men from ye street threaten in ye most outrageous manner to destroy my House and inflict ye greatest

Hardships on my person, and accordingly I looked every moment for my falling a Sacrifice to their Rage and Fury; but I was well assured that Monaltrie strenuously opposed this, and when he found the humour growing upon them, he marched them off from Nairn to Inverness, to which under God I persuade myself I owe my safety.

"All this unsolicited, unasked by Monaltrie or any of his Relations I judge myself bound to declare from a Regard to Truth, and in Justice and Gratitude to that unhappy Gentleman, who as I always heard had an aimiable Character in life and is possessed of many excellent qualities as a Member of Society.

Signed

Alexander Rose."

Though some of these petitions are undated, they were all presented to the proper quarter while Monaltrie was lying in Newgate Jail under a charge of high-treason, *i.e.*, from early in May to 13th October, 1746. Other petitions followed after, praying for his pardon and release from prison.

The following is in answer to a petition from Mr. Farquharson to be allowed to reside in some place beyond the bounds of London, to which city his residence had hitherto been restricted :—

"Whitehall, 21st July 1748.

"Sir,

I laid before the Lords Justices your letter to me of the 20th instant, and am directed by their Excellencies to acquaint you, that they will grant you his Majesty's most gracious pardon on condition of you confining yourself to such place in England as their Excellencies shall approve of, and as you desire by your said letter, that you may be allowed to reside in Hertfordshire, their Excellencies would have you signify to me, that I may inform them of it, what place in Hertfordshire you propose to reside in, to which, and a District of ten Miles round it, which their Excellencies are willing to allow of, you are to confine yourself.

I am,

Sir,

your most obedient
humble Servant

J. Potter.

Francis Farquharson of Monaltry Esqre."

Up to this date (4th August, 1748) Mr. Farquharson had been under the charge of a Messenger (policeman) whose duty it was to see that he did not leave London. He had petitioned for an enlargement to Berk-hampstead, but afterwards desired to go to St. Albans, but was refused.

Letter from J. Potter, of the 4th August, 1748, saying that The Lords Justices had fixed Berkhamstead as the place of Monaltrie's Confinement.

"Whitehall 4th Augt. 1748.

"Sir,

Your letter to me of the 27th past desiring that you may be allowed to confine yourself to St. Albans having been laid before the Lords, Justices, Their Excellencies do not approve of that place, but have fixed upon Berkhamstead in Hertfordshire for the place of your residence, to which you are to confine yourself and not to go further from it than the distance of Ten miles round.

"The Multiplicity of business has prevented your Petition for an Allowance for your support from being as yet laid before the Lords, Justices, but I hope Their Excies. may have time to consider it at Their meeting on Thursday next.

I am,

Sir,

Yr. most humble
Servt. J. Potter.

Francis Farquharson, Esq."

This is followed by Warrant of His Grace the Duke of Bedford, Principal Secretary of State, to the King's Messenger for discharging Francis Farquharson out of his custody, August 8, 1748.

The original is preserved and is as follows :—



"John Duke and Earl of Bedford, Marquis of Tavistock, Baron Russell, Baron Russell of Thornhaugh, and Baron Howland of Streatham, one of the Lords of his Majesty's most honourable Privy Council, and principal Secretary of State, &c.

"These are in His Majesty's name to authorise and require you to discharge out of your custody the Body of Francis Farquharson, and for your so doing this shall be your Warrant. Dated the Eighth Day of August 1748.

Bedford.

"To John Mony
one of his Majesty's Messengers
in ordinary."

Monaltrie, it would seem, had in virtue of this Warrant been discharged from the Messenger and had removed to Berkhamstead, when some doubts had arisen regarding his full legal right to do so ; and, as would appear, he had taken legal advice on the matter. The following seems to have been the reply :—

“As what is recited in the inclosed Warrant relating to Mr. Farquharson's Pardon, was taken, by Mr. Larpert, from an entry, made, in the Books of the Office, of the Docquet of a Bill for such pardon signed by the Lords Justices, the 8th Septer. 1748, he (Larpert) could not have the least Doubt of the said Pardon's having passed the great Scal. But upon his sending to Mr. Frewen (after the King had signed the Warrant) to know the date of the said Pardon in order to fill up the blanks of the Warrant, left for it, he has been surprised with an information, from him (Frewen) that the said Pardon, for want of the Fees of it being paid never did pass the Great Scal, but lyes now, at Mr. Grubbs Fee-bound.

“Under this circumstance therefore it seems unlikely that Mr. Farquharson could have had any regular Licence for remaining at Berkhamstead in Hertfordshire, and the present Warrant cannot, certainly be of any use.

“It appears by the Office Books that in July 1747, Mr. Farquharson was received into the custody of a Messenger from the new Gaol, Southwark.—That in April 1748, The King signed a Warrant directing him (amongst others) to be pardoned upon condition of his departing the Realm—That in July 1748 The Lords Justices signed another Warrant, reciting the substances of the former one, granted in April, which had not been carried into execution, and that his Majesty had directed the cases of the several Rebels comprized therein, to be further considered by their Lordships, who then ordered, by this last Warrant, that the said Farquharson should be pardoned upon condition of his confining himself for Life, to such part of England as his Majesty, his heirs and Successors by his or their sign Manual should from time to time appoint ; —and in Pursuance of this last mentioned Warrant a Bill was prepared, and signed by the said Lords Justices in September 1748, which went no further, but now lyes Fee-bound at Mr. Grubbs, as above mentioned.”

The same reply was given to a friend who applied to the Treasury to know what had become of the Pardon granted by the King to Mr. Farquharson. It is interesting as showing how carelessly matters of such importance, involving the liberty and even the life of gentlemen, were then attended to by the officials at the Treasury.

From 1748 to 1751 inclusive, Monaltrie's circumstances do not appear to have undergone much change, except that his pecuniary

difficulties had increased, as also a natural longing to be free to visit his native land. He therefore addresses himself to a friend, whose name he does not disclose. He has preserved a copy of this communication, wherein he gives a full account of most of the important events that had befallen him since his imprisonment in London. The letter is as follows :—

“Dear Sir,

As I not only know your readiness in generall to do good offices to any in distress, but I am sensible of your good wishes to myself in particular, I take the liberty to acquaint you with my present situation and to beg your advice and friendly assistance in extricating me out of my difficulties.

“I was in hope to have been able before now to have seen you att your own house and to have been in condition to do something towards my own support, but in place of that I can as yet neither obtain my liberty nor yet subsistence from those who detain me as others in the like circumstances have done, of which I believe I am the first instance. Altho the first part of my storey may be pretty well known to you yet the last of it probably is not, and therefore I shall give you the most material particulars of it since, or a little before I left London and you may rely on what I tell you for fact. About the beginning of April 1748, I was discharged out of a messenger's hands in order to be sent into the Countrie, att which time Sir Jas. Kinloch and I applied to the then Lords Justicess for some money and their Lords. ordered £150 for Sir Jas. and £100 for me in name of travelling charges, and then both of us retired into the Countrie in obedience to their Lords. order, where we have remained ever since ; but before I left London most of said money was expended on things absolutely necessary after so long a confinement. In summer 1749 both of us applied for subsistance, and Sir Jas. friends obtained £100 for him, but I could not get a farthing notwithstanding of my many repeated applications and altho I lived in a dear part of the Countrie. In summer 1750 both of us renewed our applications and he got £100 as formerly but I had no better success than before, till such time as the Duke of B . . . d. happened accidentally to pass through this town and, upon my obtaining an audience of, and laying my case before his Grace, he advised me to petition the then Lords Justicess ; by which I had some better success tho' even then I only got £50, and now I understand there is a third £100 ordered for Sir Jas. this year, but not a word of any for me. It is true I have not of late applied directly for subsistance, for I had such bad success in my former applications for money that now I am applying only for liberty, tho' the other is full as much wanted, but as yet I can obtain neither. I am far from envying

Sir Jas. for his having better success than me, for I heartily wish he had got more as I am sure he has need of it, but I mention it only to show how I have been used myself; whether that has been owing to my not having so good interest as he, or if it has proceeded from the misrepresentations of Malicious people is more than I can tell; but what ever be the reason I am the Sufferer. The following occurrence makes one suspect the latter, and I own it gives me a good deal of concern, since [chancing] to be in a company with one concerned in the Treasury, and upon his saying that it was a shame I should be kept prisoner and not gett money to subsist me, the other made ansure that I lived as well as either of them and stood in no need of money. This is not only false in fact, but it is so improbable and carrys such an appearance of the strongest malice in the first authors that I am surpris'd any man of character, as the one who said so certainly is, should have either repeated or given the least credit to it; but his informers, be who they will, deserve other epithets than I either chuse to bestow here or give you the trouble of reading; for I assure you it is so far on the other extreame that I have been often for these two years reduced to a very small sum and often to a few shillings without knowing when or where to be supplied with more, besides being obliged to borrow where ever I could get any and to run in debt to tradesmen and others from whom I had necessities, and all this notwithstanding of what some friends were pleased to advance me, which I look upon as debts of honour if ever I be able to repay them. But supposing all that's alledged were true, is that any reason for ~~keeping me~~ to be a burden on my friends, some of whom have ill sparing anything considering what they advanced for me when I was under Close Confinement, and yett had they not given some assistance since I came here, I might have starved in the midst of plenty for others from whom I had reason to expect a competant Subsistance while here? This I could easily enlarge upon, but am afraid I shall without that far exceed my desired brevity. I own that, for near a year after I came into this countrie, I may say I had some enjoyment in life; it was an agreeable retirement from the hurry of a great city, the Countrie itself is pleasant and I mett with some very hospitable and civill people in it, I had a little money in my pocket and nothing to ask of anybody, I had an opportunity of seeing how improvements and farming were carried on here, and I was in hopes some time or other of prevailling with those in my own Countrie to follow their example, and with all this I enjoyed a tolerable good state of health. But when money began to fail and my applications were fruitless and I was seized with a troublesome and obstinate ague with all the other inconveniences that have followed, things have ever since wore a quite different face, and yett I have endeavoured all along, whether prudently or not, I shall not say, to conceal my circumstances from the World as much as I could, and I put on all outward appearance of Contentment

that I might involve as few of those indewed with Compassion into my misfortunes as possible and gratify as few of those on the other extreame, but things are gone too far to conceal any longer, and I leave it to you or any reasonable man to Judge whether or not the following particulars can afford or support reall or even any kind of Contentment. In the first place I have now lost six years of what might have been the prime of my life, then my Constitution is broke, my health and strength are westing apace, I am daily contracting debt without knowing where or if ever I will be able to repay it. I am banished from my native Countrie and nearest relations where I might always have been of some service, and I am dragging on an unactive unmeaning sort of life without having it in my power to do good either to myself or others. If this be living well I own myself greatly mistaken, and I wish those who think so no greater punishment than to have a few months tryall of it with the same notions of life that I have; for in my Judgement it deserves no better name than a miserable existance and a disagreeable murdering of time. I could add some other things, full as little calculated for the above purpose, but I believe you will think it unnecessary to bring more proofs. I labour under many disadvantages at present, and one not of the least is that I had occation of troubling and being obliged to so many of the great folks, both when my life was att stake and att the time when I was like to have been sent abroad that I cannot well have the assurance of troubling them or even those who applied to them a third time, especially as it is not easy to convince them that my condition is so bad as it really happens to be; besides, from the above expression of my living well and standing in no need of money, I am apt to believe some of them think I am supported in a way that I never had one shilling by as yett. Upon the whole, as I know you are personally acquainted with some of those in power; if there are any of them with whom you can use the freedom as to represent my case to them and can prevaill so far as to get any one of weight to interest himself in my behalf, I will be extreemly obliged both to him and you and shall ever retain a gratefull sense of the favour while I live. All I humbly ask for is liberty, but if those at the helm can be prevailed upon to order money for me att the same time to enable me to pay off some of the most pressing of my debts which I have enevitably contracted since I came here, you may believe it would still be the more acceptable as there is nothing would give me greater pleasure than being capable to do justice to others besides being out of the danger of undergoing another kind of imprisonment. I had almost forgot to tell you that the last petition which was given in for me was delivered to ye D— of N—c by my cusine, Mr. Farquharson of Invercauld, who is a person of some consequence in his own Countrie and whose father did some considerable pieces of Service to the government within these last few years, particularly in giving possession of a Castle in Braemar, without

asking one half penny of money, which they would not have built for some thousand pounds and the D— told him there was nothing he could reasonably aske but he would grant, but then it happened at a bad time being soon after the late P— of W—'s death, so that they could not mind things of so little consequence. I have need to appologise for the length of this confused letter, but as that would not mend the matter now I shall only add that I am in esteem and sincerity D : S : Y : M : obt : H : S :— Oct : the 3rd 1751.

"P.S. I am really of opinion that there is nothing wanting to bring about the principall part of my request, that is liberty, but a person of Consequence and resolution to lay the case before the D— of N—c and to put him in mind of Invercauld giving in the petition, and att the same time to tell his grace how I am situate.

"This is a copy of a letter to Mr Mc—v."

The initials B—d stand for Bedford ; and D— of N—c for Duke of Newcastle ; D : S : Y : M : obt : H : S : stand for Dear Sir, your most obedient humble servant.

There is nothing to indicate the person addressed except the note at the end ; but the identity of Mr. Mc—v, the editor cannot discover.

The following Petition, in duplicate, written on broadside, 15 by 20 inches, shows the esteem in which Mr. Farquharson was held by his neighbours in Berkhamstead. It is signed in four columns by fifty-six persons, all in good positions in society, and some who have left their names in the literature of their country :—

"PETITION—FRANCIS FARQUHARSON

TO

THE RIGHT HONBLE. THE LORDS COMMISSRS.

OF THE TREASURY, 1754." :—

"TO THE RIGHT HONOURABLE THE LORDS COMMISSIONERS OF HIS MAJESTY'S TREASURY.

"The humble petition of Francis Farquharson late of Monaltrie.

"SHEWETH That your Petitioner has now been very near nine years a Prisoner, and by his long Confinement, and a sense of his Misfortunes, has often been reduced to a bad state of health, by which his Constitution is much broke ; and by his having so little from the Publick for Subsistance since he was sent into the Country, he has Inevitably run himself greatly into Debt.

"THAT your Petitioner in 1748, being Indulged with the choice of either going abroad when he pleased, or of remaining in England during

the Pleasure of the Government (in which case he was to have his Majesty's most Gracious Pardon) he thankfully accepted of the last, In Hopes that His Majesty's Mercy would soon have been further extended to him, and that he would have had a reasonable subsistance from the Publick during his Confinement.

"YOUR PETITIONER THEREFORE (being in a country where he can do nothing for himself) humbly prays your Lordships to interceed with his Majesty for his being set at Liberty, that he may have it in his Power, either to apply to some kind of Business, or to Retire to his Native Country, where by Industry and the help of Friends, he may find Subsistance for the remainder of his Days in Peace and Tranquility and enjoy the Benefits of his Majesty's mercy, for which he will always retain a due sense of Gratitude.

"And your Petitioner as in Duty shall ever pray &c.

"WE WHOSE NAMES ARE UNDER WRITTEN, Inhabitants in and about great Barkhamstead, do testify some from our own knowledge, and (some from undoubted authority) that ever since the above named Francis Farquharson has resided amongst us (which is now full six years) his Conduct and behaviour in every part of his Life has been most decent, modest, and Inoffensive, and in all Respects becoming One in his Unhappy Circumstances, and therefore we humbly presume to recommend him as a proper Object of his Majesty's Clemency.

Grinsson.

W. Drake.

J. Drake, Rector of Amesham.

Jn Ansel.

John Plaistowe.

J. Taylor, D.D.

J. Buesenall.

Will: Hayson.

John Ramsey, Vicar of Abbots, Langley.

Fred Kellar, Vicar of Kings, Langley.

H. Cotton.

Henry Belfield.

Edwd. Barker.

John Cowper, Rector of Berkhamstead.¹

Thos. Newman, Curate of Berkhamstead.

John Lochman, Rector of Dunstable.

Thos. Bland, Mar. of the Free School at Berkhamstead.

J. Southernwood, Rector of Waltem.

G. Rooper.

Joshua Hill, Curate of Watford.

¹ One of the most historic of the above names is that of JOHN COWPER (No. 14 on the list), who was the father of the celebrated poet, William Cowper. He died in 1756.

Gordon Wilburn.
 Jas. Fried, Usher of the Free School at Berkhamstead.
 Thomas Saunders Sebright.
 Henry Harcourt.
 Tho: Whitfold.
 James Grimston.
 Patk. D. Craggon.
 Harcourt Woodhouse.
 G. Jas. Japps, Raymond.
 A. Williams.
 Chas. Gore.
 Owen Gough, Rectr. of Ampthill.
 John Dashwood King.
 Coulson J. Kottene.
 David Jenks, Curate of Little Gaddesden.
 William Pittman, Curate of Market Street Chappell.
 Geo: Carpenter.
 G. Carpenter, junr.
 Wm. Hale.
 Henry Johnson.
 J. Redman.
 Fred. Halsey.
 Thos. Herbert Noyes.
 Hen: Coolney.
 David Williams.
 Timo. Lark.
 M. Randolph, Minr. of Tring.
 John Scare.
 Arnd. Duncombe.
 Richd. Bard Harcourt.
 W. Wickham.
 John Thomson.
 Jn. Ball, Vicar of Chosham Magna, Bucks.
 Benjamin Burrough, Rector of Latimers, Bucks."

The result of the foregoing application was a "Letter from the Treasury To John Sharp Esqr. for paying Mr. Farquharson £50, May 1st 1752," as follows:—

"Sir,

Mr. Ayinand, Secretary to their Excellencies the Lords Justices, having transmitted to the Lords Commrs. of his Majesties Treasury the petitions of James Kinloch and Francis Farquharson, acquainting my Lords that their Excellencies think the Petitioners proper objects of the Royal Bounty, Their Lordships are pleased to direct you to pay unto

the said James Kinloch the sum of One Hundred pounds, and the said Francis Farquharson the sum of fifty pounds, out of any of his Majesty's moneys in your hands for law charges.

I am,

Sir,

Your most humble Sevr̄t.

J: West.

Treary Chambers,

1st May 1752.

Mr. Sharp to pay Mr. Kinloch £100 & Mr. Farquharson £50."

"Berkhampstead, May 1752.

"Received May 1752 of John Sharp Esqr. solicitor to his Majesty's Treasury the sum of Fifty pounds in pursuance of a Letter from the Rt. Honourable Lords Commissioners of his Majesty's Treasury, Dated the 1st Curt.
£50."

The above is the form of Recept tendered by Mr. Farquharson.

Matters continued much the same with him till 1756-7, he receiving his £50 annually from the Exchequer, with somewhat increased contributions from Haughton and Invercauld, as well as from M: E: About that time he obtained the interest and influence in his favour of several noblemen and gentlemen, as the following correspondence shows:—

"Letter—James Rivers to Lord Denbigh by order of Lord Holderness. May 21st 1757."

"Whitehall, May 21st 1757.

"My Lord,

My Lord Holderness has directed me to acquaint your Lordship, with His Compliments, that the King was, yesterday, pleased to sign the Licence your Lordship desired for Mr. Farquharson to reside on the South side of Trent.

I have the Honour to be, with great Respect,

My Lord,

Your Lordship's

Most obedient

humble Servant

Earl of Denbigh."

James Rivers.

"To Francis Farquharson Esqr. at Berkhamstead,
Hertfordshire.

Free—

Denbigh

ans: on 29th by
writing Mr. Lyon."

"Stretton, May 26th 1757.

"Dear Sir,

Last night Lord and Lady Denbigh came here; his Lordship gave us an account of what he had done in your affair, which stands thus—Lord Holderness sent for him yesterday morning, and showed him a permission for you to go where you pleased South of Tweed under the sign Manual, and countersigned by himself; nothing was wanting to compleat it but the filling up of some dates, which could be done only from the grant of your pardon; he sent it down by his secretary to the office to get the dates; when he had examined them, he found your Pardon, though signed with the sign manual as long ago as the year 1747, had never had the Great Seal put to it, and lay still there for want of Fees, and that none had been paid since you came out of the New Prison, and consequently that your Warrant to go to Berkhamstead and ten Miles round was as invalid, as this would be, till the seal is affixed to your Pardon, but when once that is done, nobody can molest you, provided you do not go North of Tweed, neither can you again be taken into Custody on the old score, with this further advantage, that the first Act of Indemnity will give you intire Liberty, which till the Pardon has passed the Seals will be of no benefit to you, because you are now looked upon as an Outlaw, who are always excluded from such Acts. His Ld. ship found no difficulty in getting your pension continued, and doubts not, but when the whole is compleated, he shall be able to get all your arrears (paid?); he says the Fees will amount to ~~four~~ ^{one} score pounds, tis pretty sure they will come under £100; now I must beg the favour of you by the Return of the Post to let Mr. Lyon know, for I shall not be here, whether you can have any Prospect of raising it directly, or whether, if some friends could advance it for a Month or two, you could in that time find means to repay them? Ld. Holderness was particularly obliging, and says he will take care you shall not pay a farthing in his office. The first step necessary was a Memorial by Way of Petition signed by yourself, twas drawn by a friend, who also signed it for you, I have not yet seen it, but am told there was nothing unbecoming in it. This business requires some secresy till tis finished, and therefore you will be carefull to whom you mention it.

"Mr. Lyon, who gets me to write for him, as he could not conveniently do it himself, desires me to add that, if you think a conference with him necessary to fasilitate the raising of the money, or in any other shape conducive to promoting your Liberty, he will readily meet you at Sutton on Thursday June 2nd by eleven of the clock.

"Whatever you knew of this pardon, neither Mr. Lyon nor myself had any notion of it till Ld. D. gave us the above mentioned Act.

"Mr. L. heartily joins with me in all good wishes for you and your

HHH

sister,¹ and we earnestly pray that God may give her such a portion of His Grace, as to enable her to submit patiently to the severe visitation she now labours under, and that, when it pleases Him in His own appointed Time to release her from her present sufferings, He may receive her into Everlasting Bliss.

I am,
Dear Sir,
Your most obedient
humble servant
Nic: Brett."

Nothing, however, was done towards his release for the next three years, probably owing to the difficulty of raising the £100 required to pay the fees in the office of the Great Seal. Then we find the following:—

"Copy of a letter directed to Philip Carteret Webb, Esquire, Solicitor for the affairs of his Majesty's Treasury."

"Sir,

Application having been made to ye Lords Commissioners of his Majesty's Treasury in behalf of Francis Farquharson, who by his Majesty's order is confined to the neighbourhood of Berkhamstead in Hertfordshire, and their Lords, thinking him a proper object of his Majesty's Bounty, are pleased to direct you to pay unto him the sum of Fifty pounds out of any money intrusted to you for law charges.

I am,

Sir, your humble Sevt.

Treasury Chambers,
23rd May 1760."

J. West.

Other three years passed away and Mr. Farquharson still continued to reside at Berkhamstead, either because the fees remained unpaid, or because he had now another reason for continuing his residence there. The following throws some light on the matter. It contains the opinion of counsel regarding a contemplated change of life on his part. The matters on which he asks information are stated in the queries to which are attached the answers of his legal adviser. The document is a note or memorandum, not the original, and is as follows:—

"F. F. was some years since Attainted of High Treason, and soon after obtained a Pardon on a condition which he has kept.

Q. "Is he now under any and what disability with respect to any

¹ The Editor has not been able to trace to which of his sisters reference is here made, or to what particular sorrow (probably her own dishealth or the death of her husband) she was then subjected. It would seem, however, that she was then residing with her brother at Berkhamstead.

Settlement he may make on a marriage, and will his children inherit any estates which he may become Soizd. of, and will his wife have the dower of those lands and have the same benefit of a marriage Settlement as if no such Attainder had been?

"In answer to the above questions, there is no doubt but that all acts and agreements made or to be made by F. F. subsequent to the Pardon, are and will be as Valid and Effectuall as if no attainder had been, and if he was to purchase lands, his children would inherit those lands in the same manner as is usual in common descents. If he was to marry an heiress and have issue and survive his wife, he would be entitled for his life to her estates as Tenant by the Curtesy of England. The Pardon having taken away the disability he would otherwise have been subject to; and he is now as capable of entering into any contracts or agreements either upon a marriage or any other occasion, as any person who was never Attainted. If he was to die soizd. of any Lands which he came intitl'd to, either by Gift or by Purchase, his wife would have her dower as in the common and usual manner, and as to all monies and Securitys for money he has the same power of alienating or disposing, as any other subject of the Kingdom.

John Piercc.

Chancery Lane 4th July 1763."

Not long after receiving the above opinion of counsel, Mr. Farquharson contracted a marriage, already in contemplation, with Miss (Margaret) Eyre, daughter of Mr. Eyre of Hassop in Derbyshire¹—a fortunate connection; for with her he received an ample fortune, which enabled him to carry out on his Deeside estate the improvements which with that end in view, as he himself states, he had carefully observed and studied during his long constrained residence at Berkhamstead.

¹ Dr. R. A. Neil, Pembroke College, Cambridge, has kindly supplied the following note:—"The Eyres of Hassop in Derbyshire were a well-known Catholic family. Rowland Eyre of Hassop appears in 1749 as giving certain returns then required of Romanists, and he naturally does not appear in a list of Derbyshire magnates and others who, on Sept. 28, 1745, subscribed towards the expenses of raising a force of men against the Pretender. There is a story that the Prince spent part of December 4, 1745, at Radbourne, near Ashbourne, the seat of a Jacobite squire named Pole, where he met the other local squires who might be expected to support him.

"The Countess of Newburgh (1694-1755) married as her second husband Charles (so called) third Earl of Derwentwater, who was executed as a Jacobite in 1746. Their daughter, Mary, born in Rome, 1732, married Francis Eyre, who became Esquire of Hassop in 1792 on the death of a nephew. The son of this marriage, Edward, and his descendants called themselves Earls of Newburgh from 1814 to 1853, though this title was apparently invalid. Dorothy Eyre, the last of the race, married Col. Leslie of Balquhain, and left the estate of Hassop to him: it belongs now to the present Balquhain."

"To

Philip Cartaret Webb Esqr.

Solicitor for the affairs of his Majesty's Treasury."

"Sir,

The Lords Commissioners of his Majesty's Treasury desires you would furthwith pay for the use of Fras. Farquharson, to such persons as shall produce a Receipt from him for that purpose, The sum of One hundred pounds, out of any of his Majesty's money in your hands for Law Charges, which is to be for two years from the 31st May 1763 to the 31st May 1765 ; And you are at the same time to Acquaint the said Francis Farquharson that this is the last payment intended to be made him.

I am,

Sir,

Your most hule. Servant

C. Jenkinson.

Treasury Chambers, 24th April 1765.
Mr. Webb."

"To

Francis Farquharson Esqr.

Att Mr. Farquharson's, Cabinetmaker,

the Bottom of Villiers Street,

York buildings,

— "Send."

" House of Lords Treasury,

2. Octer.

"You have inclosed a copy of your order. I am to send the Principale Order this night to Mr. Webb, who has promised to pay me very soon, As he is to apply to the Treasury tomorrow for a supply of money.

"The Clerk at the Treasury says it is understood you are now at Liberty to go where you will, that your Confinement may not be used as any reason for asking a further supply.

I am,

Ever yours

W. Gordon.

Pray don't forgett to send me your receipt before you leave the Town.

Date it the 26th April.

1765."

Meanwhile the Lords Justices had been instituting an enquiry into the financial position of the forfeited estates in Scotland with the view in part, it would seem, of apportioning to the prisoners in England the sums necessary for their maintenance. It was, perhaps, owing to their

finding that Monaltrie had so good cause to complain of the small allowance meted out to him. The following paper, in his own handwriting, is presumably a copy from the official report. It is interesting in several respects, principally as showing the embarrassed position of the nobility and gentry who embarked in the rebellion. The list is as follows :—

Yearly Rent of Real Estate. £ s. d.	Value of Personal Estate. £ s. d.	Names of Persons Attainted.	Creditors' Claims. £ s. d.	Property by whom claimed.
2742 16 10½	...	...	3900 0 0	Tho. Drummond of Logie- Almond.
519 18 10½	Liferented.	...	...	...
310 14 1½	3 14 6	Strathallan.	7712 13 4	By his Widow in Liferent— £166:13:4 prox.
311 5 2½ ⁰	22 6 10	Pitsligo.	400 0 0	By Pitsligo and his son.
	10,000 0 0	Elcho.	206 12 11	By Francis Char- ters.
	2000 0 0	Ld. Elcho.		
1712 18 10½	38 16 2	Kilmarnock.	14,055 0 0	By Ld. Boyd.
770 17 4½ ²	...	Ballmerino.	13,500 0 0	By the Deuager.
143 16 3½	...	Car of Graden.	1653 0 0	By M: of Lothian on the Clan Act.
85 1 4½ ⁰	...	Hamilton of Redhouse.	...	Bankrupt & under Sequestration before.
196 10 5	495 2 0	Hay of Restel- rag.	3200 0 0	By his son.
300 10 9½	...	Sir Arch. Primrose.	...	Bankrupt long before.
307 18 7½	...	Ld. Nairn.	20,333 0 0	Deemed so for many years.
763 16 2½	16 18 6	Gask.	18,179 0 0	By Jas. Oliphant & heir of entail & pt. by the D. of Atholl on ye Clan Act.
320 7 8½ ²	...	Br. of Arnprior.	3955 0 0	By his wife as part of her own estate.
478 4 7	...	Sir Jas. Kin- loch.	10,261 0 0	By David, Jas. & Will. Kinlochs as heirs of Entail.

Yearly Rent of Real Estate. £ s. d.	Value of Personal Estate. £ s. d.	Names of Persons Attainted.	Creditors' Claims. £ s. d.	Property by whom claimed.
43 18 7 ¹ / ₂	...	Chas. Gordon of Terpersy.	703 10 0	By Capt. Gordon & pt. by the E. of F. on the Clan Act.
404 10 1 ¹ / ₂	...	Sir William Gordon of Park.	4710 0 0	By same.
55 11 1	...	Monaltrie.	4398 10 0	By Invercauld on the Clan Act, not sustained. ¹
...	5667 7 4 ¹ / ₂	Jas. Hamilton.	10,496 0 0	...
...	1000 0 0	Ld. L. Gordon.	1881 1 2	...
29 6 9 ¹ / ₂	...	Henderson of Castlemain.	151 0 0	By Ld. Stormount on Clan Act.
4 0 0	3 0 0	Glenbuckett. ²	...	The debts exceed the value.
45 17 9 ¹ / ₂	...	And. Kay of Alsleed.	933 0 0	By Jas. Kay on the Clan Act.
10 0 0	38 17 0	Geo. Abernethie.	362 0 0	By the Widow the Liferenter of Houses.
26 12 0	...	Portions of Burnfoot.	11 1 0	By his Widow.
31 16 8	...	Nics. Cott. Luner in Leith.	228 0 0	...
113 19 2	...	Clunie.	3323 0 0	By Dunn., his son & ye D. of Gor- don on the Clan Act.
292 13 2 ² / ₃	...	Ld. George Murray.	5936 0 0	By his Lady Heiress. ³
51 6 1 ¹ / ₃	...	Dd. McDd. of Lochgarry.	1585 15 0	By the D. of Atholl on the Clan Act.

¹ Francis Farquharson of Monaltrie was then a prisoner in England; but had a younger brother, Robert, who is not known to have taken any part in the late insurrection, and whose son, William, ultimately succeeded to the property.

² Gordon of Glenbucket had previously sold his estate to the Earl of Fife = E. of F.

³ Lord George Murray married Amelia, only daughter and heiress of James Murray of Glencairn and Strowan.

Yearly Rent of Real Estate.			Value of Personal Estate.			Names of Persons Attainted.			Creditors' Claims.			Property by whom claimed.		
£	s.	d.	£	s.	d.				£	s.	d.			
174	2	1 $\frac{2}{3}$	...			Lach. McLachn. of McLachn.			3152	16	11	By the Son who offersto prove the Fathr was killed at Cullogen.		
266	8	6 $\frac{1}{2}$	...			Mercer of Leth- endy.			1585	0	0	By Chas. Mercer and by Kinloch, widow of Sir Lawrence.		
729	15	10 $\frac{3}{4}$	...			Mercer of Aldie.			3220	0	0	By Lady Aldie as heirress of part of the estate.		
105	15	7 $\frac{1}{2}$	...			Stormount of. Pitscanly.			396	0	0	By Tho. Stor- mount & ye Life- rent by Eliz: Far- quhar.		
500	7	10 $\frac{1}{2}$	...			McKinnon.		...				Surv'y'd by mistake.		
1160	10	31 $\frac{1}{2}$	...			Lovatt.			30,000	0	0	By All: and Arch Fraser, his son, & part by ye D. of Argyle.		
451	3	51 $\frac{1}{2}$	...			Lochiell.			10,000	0	0	Part by ye D. of Argyle, & D. of Gordon on the Clan Act.		
99	0	6 $\frac{1}{2}$	...			Kinloch, Moidart.			2300	0	0	By his eldest son, & ye D. of Ar. on the Clan Act.		
797	2	0 $\frac{7}{8}$	...			Cromartie.			2400	0	0	By his second son.		
30	9	1 $\frac{3}{4}$	...			Allan Cameron of Calard.			1200	0	0	...		
119	11	9 $\frac{1}{8}$	...			Allr. McGilav- ray of Dal- mdfoss.			...			By his son.		
63	12	9 $\frac{1}{2}$	...			McDonald of Borisdale.			676	0	0	...		
47	3	0	...			Allr. McDonald of Glencoe.			...			...
159	15	7 $\frac{3}{4}$	...			Allr. Cameron of Dungallon.			...			...
41	3	4	...			Lach. McIntosh of Inverness.			...			...

Yearly Rent of Real Estate.	Value of Personal Estate.	Names of Persons Attainted.	Creditors' Claims.	Property by whom claimed.
£ s. d.	£ s. d.		£ s. d.	
47 5 0½	...	Stewart of Ard- sheall.	1700 0 0	By his son and the D. of Atholl.
870 9 11½	...	Ron. McDonald of Clanronald.	5300 0 0	By Ron. McDonald Liferenter & Fiar and the D. of Ar—le.
66 12 5½	...	Rod. M'Culloch of Glastutrich.	900 0 0	...
12,285 17 7			255,638 13 8.	

Dated Janry 25th 1749/50."

THE CLAN ACT. The Act so designated in the above list was obviously that passed on the 30th August, 1715—"just a week before the raising of the Standard at Braemar—from which important consequences were expected in the belief that the privileges it attached to loyalty would operate as a negative instrument for the suppression of Jacobitism. According to it, when a crown vassal became guilty of high treason, as a partisan of the Stewarts, the sub-vassal who held under him was immediately entitled to take his place as a direct holder of the crown, and was thus, of course, relieved of the obligations he had incurred to the deprived superior. On the other hand, when a sub-vassal rebelled, his interest in the land, instead of being forfeited to the crown, passed to his immediate superior, if he was a loyal man, who thus might come gratuitously into possession of the lands which he probably had, a few years previously, disposed of for a pecuniary consideration. A bribe was also held out to tenants at will or on lease, who, when they were loyal, and held of a rebellious landlord, were entitled to retain their holdings rent-free for two years." *Burton's Hist., Ed. 1853, vol. ii., p. 239 et seq.*

This Act, though not repealed, was afterwards (1717) amended to the following effect:—"Commissioners for managing this affair (the forfeited estates) had been appointed for some time, but difficulties had arisen in Scotland, from the claims of creditors, who, by the ordinary course of law in that country, were in possession of these lands. In some cases there is no doubt the alleged debts were collusive, and the judges—who sympathised with the sufferers, and were still influenced by the

principles of ancient Scottish jurisprudence—being inclined to favour the claims, had sequestered the most considerable of the estates, and appointed factors to receive the rents in behalf of the creditors. The Act provided 'for vesting the forfeited estates in trustees to be sold for the use of the public; for giving relief to the lawful creditors by determining their claims; and for the more effectual bringing into the respective exchequers the rents and profits of the estates to be sold.'" *Aikman's History, vol. vi., p. 186.*

Another amendment took place in 1746, "vesting the estates of those who were already or should be attainted, before the 24th of June 1748, in his Majesty for applying the produce to the public use after satisfying all private claims upon them." (*Burton ut supra*). And factors were appointed by Government for this purpose.

One reason why Invercauld's claim was not sustained under the original act was that, although he was the chief of the clan, he was not the feudal superior of the lands of Monaltrie. These were originally held directly under the Earl of Mar, having been granted by him in excambion for those of Castleton. Invercauld, however, under the last Act was appointed factor over his nephew's (the Baron Ban's) forfeited estate, which he and his son after him administered for the long period of twenty years.

"EXT. CONTRACT AND AGREEMENT betwixt The Earl of Aboyne and Francis Farquharson of Monaltrie, Esq: 1772." :—

"At Aberdeen the Nineteenth day of June one thousand seven hundred and seventy two years. In presence of David Dalrimple, Esquire, Doctor of Laws, Sheriff Depute of Aberdeenshire, Compeared William Thom & John Durno, both Advocates in Aberdeen, as Prors. and gave in the Contract and agreement under written desiring that the same might be Insert and Registrate in his Lordship's Court Books in terms of the clause of Registration therein contained; which desire the said sheriff found reasonable and ordained the same to be done accordingly, and thereof the Principall being wrote on stamped paper the Tenor follows vizt :—It is contracted and agreed between the Right Honbl. Charles, Earl of Aboyne, on the one part and Francis Farquharson Esq: of Monaltrie on the other part as follows: that is whereas the said Parties, intending to have a march dyke erected at their mutuall expense in order to divide their respective Properties in the Parish of Glenmuick and shire of Aberdeen, Did, in the month of October 1770, Authorise

Charles Gordon of Abergeldie & Charles Farquharson, Factor to Alexander Farquharson of Inverey, to fix and line the site and stance of said March Dyke then to be built, giving and taking grounds on each side of the former march as they should see cause, which Commission the said Charles Gordon and Charles Farquharson did accordingly execute by fixing the stance of the said March Dyke; and agreeably thereto Part of the dyke has been since erected and the whole of it will be soon finished, and whereas there were at that time certain Preliminary Articles relative to the said march dyke agreed to by the said Parties for their mutuall benefite and advantage which it is now necessary should be reduced into a legall and proper form in manner underwritten; Therefor, in Implement of said Preliminary Articles, it is mutually covenanted and agreed by both the said Parties that, how soon the said march dyke presently building is finished, the same shall be measured and divided into two equall Parts, or halves; One whereof, being the upper part or half, shall be kept in repair by the said Charles, Earl of Aboyne, and his heirs and the other, being the lower or under part or half of said dyke down to the river Dee, shall be kept in repair by the said Francis Farquharson and his heirs; and if either of the said Parties shall allow any part of the said march dyke so divided between them to tumble down or slaps to remain therein after due Intimation thereof shall be made to the Party in whose division the same shall happen to fall out or to the Earl of Aboyne's Forrester in Inchmarnoch on the one Part, and, on the other part to the said Francis Farquharson, his Tennent or Servant residing at Dalmachy, it shall be lawfull and in the Power of the other Party to employ workmen to repair the said dyke in case it is not done within twenty four hours after Intimation as aforesaid or in as short time there after as shall be necessary to Compleat the same, and the workmen's attested accounts of the expenses debursed thereanent, and upon production of these amounts to the party within whose Division of the said march dyke the reparations thereof were made, he shall be obliged to repay the same to the other Party with interest from the time of advance and a fifth part more of Penalty; and it is further covenanted and agreed by both Parties that if, notwithstanding of the march dyke, the Besteall of whatsoever kind belonging to either Party shall at any time get over the said march dyke and trespass upon the other it shall not be in the Power of the Party trespassed upon to Poind the Besteall of the other Party so trespassing nor to pursue him for Damages &c, but the Besteall shall be peaceably returned to their Pasture, and it is hereby declared that this mutuall Priveledge of not Poinding as aforesaid shall extend no further on the East side of said march dyke over the Earl of Aboyne's Property than to the Cornlands or Arable ground of Inchmarnoch, and on the West side, over the said Francis Farquharson's

property, than to the Cornlands or Arable grounds of Dalmachy—And whereas sometime after the said march and stance of said intended march dyke was fixed as above narrated, the said Earl of Aboyne did for a valuable consideration give off to the said Francis Farquharson a piece of ground to the East ward of said march dyke which is now comprehended within the said Francis Farquharson's Inclosure and become part of his property, it is therefore hereby declared that the Dyke as already built is to remain in all time coming the march between the said Parties, and both Parties consent to the registration thereof in the Books of Councill and Session or other Judges' books competent for preservation and if needful that all necessary execution pass thereon on a Charge of six days and to that effect they Constitue the saids William Thom and John Durno, Their Prors., in Witness whereof they have subscribed these presents written upon this and the Two proceeding Pages of stamped Paper by Charles Gordon of Abergeldie at Tullich the 19th day of June, 1772 years, before these witnesses, Charles Gordon of Abergeldie and Charles Farquharson Factor to Inverey, Signed Aboyne, Francis Farquharson, Charles Gordon, witness, Charles Farquharson, witness, Extracted upon this and the Two preceeding pages.

John Gordon."

"Letter from The Earl of Aboyne respecting the March Dyke at Pananich &c. 10 April 1801."

"WILLIAM FARQUHARSON ESQR.

of Monaltrie.

Balmorall.

"Aboyne Castle,
10th April, 1801.

"Dear Sir,

I return the Papers I had from you the other day. I think the Notice to the Ground Officer, and Advertisement about our oak wood will answer very well. I also see that by the agreement between my Father and the late Monaltrie I may be called upon to uphold a part of the dyke to the Eastward of Panninich, which I am ready to impliment.

"At our road meeting the other day the propriety of a General Survey was taken into consideration, and it was unanimously approved of, and the following clause added, 'Particularly as the Meeting is in hopes it may be the means also of procuring a good Map of the Country'—Don't forget our meeting at Charlestown—I offered to pay Mr. Farquharson of Whitehouse the remaining instalment that I am due for the Central

Kirk,¹ but as neither of us had a stamp we could not very well settle then and defer'd it to another time—Lady Aboyne joins in kind compts. to you and Mrs. Farquharson—with, my Dear Sir,

Ever sincerely your's
Aboyne."

MONALTRIE'S COPY of Abergeldie's and Chas: Farquharson's Valuation of the March Dyke between the Earl of Aboyne and Monaltrie at Panninich :—

"At Panninich this 23rd day of October, 1772 years—We, having this day measured the march Dyke built by Monaltrie betwixt the Earl of Aboyne's Property and his, find that it measures two thousand eight hundred and eighty three Scotch Ells of thirty seven Inches to the Ell including therein fifty one Ells of Pealling which is equall to two thousand seven hundred and eighty four Plaiding Ells and eight tenths at thirty eight Inches and a half to the Ell. The lower half of which Dyke we have marked off to be kept in Repair by Monaltrie and the upper half to be kept in Repair by the Earl of Aboyne—We also find that the Dyke is sufficiently built and has Cope Stones on the whole of it.

Charles Gordon.
Charles Farquharson."

"Note of The offers at The Roup of Pananich Lodge 5th May, 1806."

"Offers for the Lodge and Wellhouses of Pananach and the whole Grounds as possessed by Mrs. Mitchell, which was let by Public roup the 5th May, 1806 — Upset Price £80 sterg.

Alex: Sheriff's offer £102.

Jas: Anderson's — 103.

Alex: Sheriff's — 105 which was the last bid and given for William Clark in Crathy."

This little scrap shows us how farms were sometimes let in the olden time. They were simply set up to auction. The mineral waters at

¹ The reference is to the first church built in the village of Ballater. The Rev. Hugh Burgess, then minister of the united parishes of Tullich, Glenmuick and Glengairn, thus describes it in the *New Stat. Act, 1842* :—"The parish church stands on the north side of the Dee, and in the middle of a large open square in the village of Ballater. It is as central for the three parishes as possible; yet, the extremities being too distant, it is not convenient for a great part of the population. It was built in 1798, has a neat spire, is in a good state of repair, and accommodates about 800 persons, who have all free sittings. On most occasions it is roomy enough, except on the Communion Sabbath,—then it is by far too crowded; and the reason of this is, that a distant part of the parishoners, who attend a missionary chapel at Kinloan, assemble with others at the parish church on that day in order to communicate."

The old church has now been replaced by an elegant new one, and Glengairn has been disjoined from the united parishes and erected into a parish *q. s.*

Pananich had been discovered before the '45, but little attempt had been made to utilise them for the benefit of the public till the return of Francis Farquharson from his exile in England. Having ascertained their mineral and medicinal qualities, he erected what might be called a pump room on the site where the present hotel stands. At that time the county road ran along the banks of the Dee, where its course can still be traced. His next step was to build what was then called a lodge—really an inn or hotel—on the line of this road, from which he constructed a foot-path to the pump room, well up on the hillside. This was the Lodge referred to in the above note. Before its time, however, the Wells had risen into considerable reputation. They are mentioned as such in Dr. Pennant's Tour (1769) and in the Old Statistical Account (1796); and we know that even such persons as Lord Byron's mother were attracted thither with invalid members of their families for the benefit of their health. The letting referred to was not the first that had occurred, and we may see from the keen competition that high expectations were formed of the profits to be derived. William Clark, the successful offerer, belonged to a family that had been resident for some generations at Invergelder, near Balmoral, and he seems to have thriven as the tenant of Pananich Lodge, since he educated one of his family for the medical profession. This was Stewart Clark, who rose to some eminence in it, and an account of whose career has been printed for private circulation by a nephew. William himself, who had migrated from Invergelder to Head Inch, near Ballatrach, several years before, is there mentioned as having been a favourite with Lord Byron during his sojourns at Ballatrach. (See page 392).

The good fortune of the Lodge was short lived. Its situation was found to be inconvenient; the public road was diverted from the bank of the river by a steep incline up the hillside to the Wells, where Mr. Farquharson built a picturesque lodging-house for visitors, and the rising fame of Ballater necessitated the substitution of a large hotel there in room of the lodge, which was then demolished.

Francis Farquharson, on his return from England in 1766, devoted his life to the improvement of the social and material condition of his native county, and especially of his native valley of Deeside. Of his efforts in this laudable cause, a tribute, already quoted, was paid to his memory by the writer of the Statistical Account; and many other instances of the improvements he effected, and of the untiring activity of

mind and body he displayed, are recorded in the Invercauld Family Papers; many monuments of which still remain in the country, where his memory is even yet cherished with affectionate regard. Dying in 1791, his remains repose within the burial ground, Crathie, near the ruins of the old Kirkyard on the north bank of the Dee.

"A monument set up against the east wall of the Farquharson burial aisle there bears the date of 1702, and the initials R. H: E. Æ.—*Jarvis's Epitaphs, Etc.*"

"The Farquharson aisle (at the east-end of the old Kirk), contains three tablets, one of which is inscribed as undernoted:—

"Within these walls lie the remains of Alexander Farquharson of Monaltrie, John & Francis, both of Monaltrie, his sons; Robert, his youngest son, and several other children, who died in their infancy. Here also are interred Anne Farquharson, the wife of Alexander; Anne Oglivie, the wife of John; and Isobel Keith and Helen Baird, the wives of Robert. As also, Amelia, Francis, and James, the children of Robert and Helen Baird. For their memory this stone is erected with the warmest filial and fraternal affection by William Farquharson of Monaltrie 1808."

Mr. Farquharson has left in his own handwriting a bundle of papers which sufficiently narrate what befell him from the date of his capture at Culloden to his liberation from Berkhamstead (1766). These contain many matters of local, and some of general, interest. They display his character in an amiable light, and are therefore recorded here almost *in extenso*.

The following is a note of a detailed account of Monaltrie's imprisonment until he was permitted to reside at Berkhamstead; after which his imprisonment consisted of little more than a prohibition against returning to Scotland:—

"Acctt. of ye time I have been prisoner, and where:

"I was made prisoner on the 16th day of Aprill 1746, and detained at Inverness till the 29th day of May when I was put on ship board.

"I was detained aboard the ship and on our voyage till the 21st of June.

Years.	Months.	Days.
-	1	13
-	-	23

	Ye	Mo	Day
"On the said day I was confined in the new Gaoll and detained there till the 30th of July 1747.	1	1	8
"From that day in a messenger's hands till the 8th of August 1748.	1	0	10
"From that to the 17th day of Octr. I was prisoner at large in London.	0	2	8
	2	6	1
"The which day I came to Berkhamstead till the . . . day of . . . 17 years."			

In another handwriting there is subjoined this note :—

"The above is Holograph of the, late Francis Farquharson of Monaltrie. He was liberated from Berkhamstead in the year 1766."

In another note it is stated that "from the day of his capture (16th April 1746) till his return to Scotland the space of time was 20 years, 4 months, and 1 day."

There is also a long list of the sums of money which Monaltrie received during the period of his detention as a prisoner. It is in his own handwriting, and is docketed by him, "Acctt: of money Received since the 16th of April 1746," from which we extract the following items :—

	£	s.	d.
Amount of money received and spent since 16th April 1746:			
"Rect. on April 19th or 20th from L. McIntosh,	2	2	0
and on ye . . . inst. from Jas. and D—n	2	2	0
and from Mr. Reid	1	0	0
"About May ye 8th I got back my own money	17	17	0
And on . . . Do. Mr. McInnes brought from Kinaldie,			
including about 30 guineas I gave my Servant	45	0	0
	68	1	0

1 The L. McIntosh referred to might possibly have been his fellow-prisoner—see *Historical Papers—Col. Allardyce—vol. II. pp. 369, 611*. Lauchlan was a common name among the McIntoshes. Mr. Reid and the others have not been identified. They were all probably merchants in Inverness. "My own money" was doubtless that found on his person when made prisoner. Kinaldie was the name of the farm on which his brother, Robert, resided, and the £45 were probably sent by him. The £68 1s. was the sum he received, and on which he supported himself till he was indicted for high treason, 23rd August, 1746.

"In August Mr. McInnes ¹ brought up to London from	£	s.	d.
Kinaldie, Rochallie and Mr. Robertson &c.	55	4	6
And from Haughton ² per bill on London	40	0	0
And from Kinaldie afterwards per bill,	25	0	0
And from Do. per bill at another time	25	0	0
And from Haughton per draft on Mr. Drummond	20	0	0
And from Colin Donaldson by order of . . .	30	0	0
And from Haughton	40	0	0
And from In—d younger ³	10	10	0
Sent me by Mrs. E— and Mrs. Mc—c	21	0	0
<hr/>			
"Total received in 1746 and 1747	334	15	6
Except ye. 4 guineas odds while in the new Gaol	6	15	0
<hr/>			
Of which sum	341	10	6

"I had about 60¹ guineas remaining on the 3rd of July 1747. I spent before yt. time about £278:10:6 in about 14 and a half months.

"In January 1748 (Rcd.) from Captain D. per bill on			
Mr. Alexr. Coutts	80	0	0
July the 27th from M—c I found	5	5	0
By bill from Haughton	21	0	0
And on the 26th of Augt. from the Public	100	0	0

— This last item, now entered for the first time, was paid from the Exchequer for the prisoner's maintenance in lieu of which Government held his forfeited estate.

¹ Mr. McInnes seems on several occasions to have been entrusted with the conveyance of money to Mr. Farquharson from friends in Aberdeenshire. His identity has not been ascertained, but he was presumably a relative, probably a son of the Rev. John McInnes, who was in 1748 translated from Crathie, in which parish the property of Monaltrie was situated, to Logie Coldstone, where Mr. Farquharson's brother, Robert, resided, with both of whom the minister was on terms of intimate friendship.

² The gentleman designated Haughton was either Francis Farquharson, Esq., who married Grace, daughter of Francis Strachan, Esq., of Edinburgh; or, more probably, his nephew and successor, "Alexander Ogilvie Esq. who assumed upon inheriting the Haughton property the name and arms of Farquharson."—*Burke*. It is evident from the frequent entries of considerable sums of money forwarded to the prisoner that he was in close commercial relations with him.

³ James Farquharson, Yor. of Invercauld, who began thus early (1746-7) to supply his unfortunate cousin, Monaltrie, with considerable sums for his support and continued to do so throughout his captivity. It is noticeable that this was at least three years before his father's death, whose name, nevertheless, does not appear among the contributors. There might have been good reasons for this,

There then follow several items from M : E—

" And from Dr : C : for ye. little horse	4	16	6
June ye 15th from Invercauld yor.	15	0	0
In August 1750 from the Public	50	0	0

Then follow several items of 20 guineas each from M : E—, and on 30th April is entered 20 guineas from Invercauld ; and about the middle of May the next payment from the public £50. Then follow several payments of 20 guineas each from M : E—, and in December, 1753, from Invercauld, &c., by the hands of Haughton a sum of £35.¹

The allowances from the Exchequer seem to have been regularly paid half-yearly, £50. From this time the payments from M : E— and from Haughton continue to be received in various sums till July the 21st, 1755, when the whole amount received =

1266 3 0

No other item of interest appears till the total sum received before the end of January, 1757, is stated at

1564 3 0

and about the 2nd or 3rd of June, when a change took place in his circumstances, the amount is stated at

1665.13 0

M : E : still continues payments, as also Haughton, and the public allowance is not changed. On December the 11th, from C : Far : on account of Inver [cauld] there is a payment of £17 10s.

- 1

" From the public about the beginning of February 1760 for the former year £50."

50 0 0.

It would seem from this entry and other papers that the allowance from the public was now reduced to one half. But the allowances from M : E : are increased and regularly paid. Invercauld also pays regularly once a year the sum of £17 10s.

At the end of 1761 he sums up the total amount received as

2322 9 0

For the next year (1762) only six items are entered. They are from M : E : , Mr. C . . . v and Invercauld. The

¹ This was the year of Invercauld's marriage to Amelia, Lady Sinclair, eldest daughter of Lord George Murray—an event which perhaps caused him to double his usual contribution.

same parties continue to pay the same sums for the following year, 1763; and no other entries are made. There is then the following N.B.:—

"N.B. About Sept. and Oct. 1757 Mr. M: and Mr. B: collected towards ye. paytt. of a P [ardon] and sent me about	33	0	0
About Michaelmas 1763 Mr. Small raised for me of princ'll (& interest?) and sent about	52	0	0
From M: E: April 30th	10	10	0
From In . . . d att Bath on 18th May 1764	12	12	0
From Mr. Small a little before Advent	7	10	0
At Whitsunday 1764 from Invercauld	17	10	0
May the — from In . . . d	12	10	0
June ye. 9th 1764 from Mrs. Far: ²	25	4	0
Agust 30th from Mr. Ch . . . v	25	14	0
The end of Oct: from Mrs. Far: "	21	0	0
<hr/>			
"The total before Nov: 1764 =	£3026	12	0
About the midde of Nov. from Mr. S. agent	007	10	0
November the last from Haughton	17	10	0
January 14th 1765 from Mrs. Far:	21	00	0
April 22nd I got credit from Mr. Coutts for	50	00	0
24th April from Mr. Small	7	10	0
At same time from Mrs. F:	16	4	0
N.B. In the end of April I obtained an order on the Gr . . . y for £100 to pay off the account to Mr. Coutts and £50 over— inde	50	0	0
January 24th 1766, from Mrs. F.	39	10	0
<hr/>			
Summa	3235	16	0
April 8th from Do. (Mrs. F.)	25	6	0
July 8th from Do.	35	4	0
<hr/>			
	£3296	2	0
<hr/>			

Several of the parties who sent remittances had been connected with the prisoner in commercial transactions previous to the rebellion. Their remittances may be supposed to have been the profits arising therefrom; others lent him money on bills; while a select few, out of pure friendship

1 These sums seem to be for the payment of the fees at the office of the Great Seal to allow the King's pardon to pass the seals.

2 "M: E:" now changes into "Mrs. Far:" i.e. Miss Margaret Eyre becomes Mrs. Francis Farquharson.

contributed to his necessity. But there is reason to believe that he ultimately met all his obligations of whatever kind honourably, expended much money on the improvement of his estate, and at his death left it free of debt.

The contributions of "M : E : " afterwards "Mrs. Far.;" though by much the largest in amount, were given under peculiar circumstances, which probably gave rise to a romantic story which after the "Baron's" death found considerable credence on Deeside.

Another paper, to the meaning of which the editor has no clue, contains the names of 102 individuals, arranged in alphabetical order in three columns. It is in Monaltrie's handwriting, and seems to have been copied by him from some military document. The persons are all *Mac*s, which is the curious thing about it, and might be of some interest to students of Highland family names. In Mr. Alfred Long's "Personal and Family Names" (*London: Hamilton, Adams & Co., 1883*) there are entered under "Mc" 205 names; and it is presumed that most, if not all, of those in the Monaltrie paper are there included. The paper therefore need not be here inserted.

Another curious paper contains a key to correspondence of some kind that was carried on during the insurrection. It may be found of use, and is therefore inserted :—

"J. Bull	(means)	England.
Pegg	"	Scotland.
Sir Thos.	"	The I . . . y.
Sir Geoff	"	The P . . . v.

The romantic tale referred to is to the following effect : Condemned to be executed on the 15th November, the sentence was to be carried out on the 28th of the same month, 1746, Monaltrie had made every preparation for his impending fate without the least hope of any possibility of escape. He was being led through the hall with twenty-one others to the conveyances that were to carry them to their doom, when a messenger arrived and handed to the officer in charge a document containing his reprieve. Monaltrie eagerly inquired to whom he was indebted for his life; but no inquiry for long elicited any other information than that he owed it to a lady whose name was carefully to be concealed from him. But it was generally understood that having seen him in the Rebel army, she was so impressed with his handsome person and noble bearing, that she had resolved, when he became a prisoner, to leave no effort untried to obtain his pardon and release, in which she was ultimately successful. The tale goes no further, but it may be added that though, as has been shown, it was rather wide of the mark, there was just enough of fact in it to give a lively imagination a sufficient foundation on which to raise the structure of a picturesque love story.

Mrs. Bull	„	The Parliament.
Hubble Buble	„	The D : of Newcastle.
Nurse	„	Ld. Hardwicke.
Jowler	„	Mr. R : H.
Boy George	„	Townsend.
Game Keepers	„	The Army.
Squire South	„	The Emperor.
Rouster Devil	„	Hanoverians.
Jack	„	The Kirk.
Mr. Leuhars	„	Highlanders.
Major Darnu	„	The President.
Bumbo	„	Mr. Dundass.
Gilbert	„	Elliot.
James	„	Oswald.
Small trash	„	Hope.
Turk fist	„	Watson.
Sir H. Rolingworth	„	Swift.

The following may be described as *Monaltrie Estate Papers* since they give the history of the property from the time it was acquired by the first Farquharson family in 1632 till its purchase by the second in 1702 :—

“INVENTAIR off the Wrytes and Evidents off the Lands of Monaltrie delivered be Charles ffarquharson

To

Alexander Farquharson. 1702.”

“INVENTAIR of the Wrytes and Evidents of the Lands of Monaltrie dispoined be Charles ffarquharson of Monaltrie to Alexander ffarquharson, brother-german to John ffarquharson of Invercauld, and delivered to him conform to ain disposition made and granted be the said Charles ffarquharson to the said Alexander ffarquharson of the date of thir prests.

“Impr. ffor Contract of the lands of Davock of Monaltrie made and past betwixt John, Earl of Mar, with consent of John, Lord Arskine, and Donald ffarquharson of Monaltrie of the date 27th August, 1632 years.

“Item Charter following there upon dated 27th Augt., 1632 years.

“Item Sasine following upon the same dated 5th October, 1632 years, regrd. at Aberdeen the 22nd day of the said month and year.

“Item Tack of the Bounds of the said Lands of the said Earl with consent of his son to the said Donald ffarquharson for the space of 21 times 19 years, dated 22nd August 1632 years.

“Item Contract : John and Charles ffarquharson of Monaltrie, James ffarquharson of Inverey, William ffarquharson his son and Master James ffarquharson of Whitehouse Anone (?) ther granted and delivered amongst

them of the lands of Monaltrie and others ther in mentioned, dated the 9th day of March 1664 years.

"Item Charter to Master James ffarquharson of Whitehouse of the foresaid lands in favour of the said Charles ffarquharson, dated the 16th day of October 1664 years, With ane confirmation ther of upon the end of the same be John, Earl of Mar, dated the 28th day of November 1664.

"Item Contract of the Sasine following thereupon dated the 2nd day of December 1664 years, regt. at Aberdeen the 3rd day of January 1665 years.

"Item Disposition of the firr woods of the said lands be Charles, Earl of Mar, to the said Charles ffarquharson, dated the 14th day of September 1676.

"Item Disposition of the lands of Dowallie and Corrintavan, Be John Kerrie of Gogar, heritable proprietor of the Lordship of Mar to the said Charles ffarquharson, dated the 2nd day of October 1694 years.

"Off the which Wrytes and Evidents I the said Alexander ffarquharson hereby grant the right of discharge to the said Charles ffarquharson thereof, and oblidges me my heirs and successors to make the same furth coming to the said Charles ffarquharson and his foresaids who soever they shall have authorised to do their work for defence of any action of eviction intended or to be intended of the saids lands or any part thereof and to grant the use of the same upon his obligation to redeliver them within a short space. In witness where of I now have subsd. thir prests. (written be Charles ffarquharson, Wryter in Edggh.) with our hands att Crathie the twenty eight day of October, seven teene hundred and two years. Before the witnesses, John ffarquharson of Invercauld and the said Charles ffarquharson.

Farqrsone.

John ffarquharson, witness,
Chas. Farquharson, witness."

The above document is a memorandum of a conveyance of the lands of Monaltrie by Charles, last of the old family, to Alexander, first of the second family of Farquharsons, who possessed that property. The old laird, often mentioned in the Invercauld papers, had fallen into pecuniary difficulties, and had to dispose of the property, which was bought by Alexander Farquharson, younger brother of Invercauld, and father of Francis Farquharson, the "Baron Ban."

Charles, who was descended from Donald, styled of Castletown, to whom the Earl of Mar granted the property of Monaltrie in excambion for Castleton, was ultimately represented by the Whitehouse family, which has lately become extinct in the male line.

The Paper shows the several charters which the Mar family granted to the Monaltries, and is a brief account of the proprietary history of the estate down to the year 1702. It remained in the possession of the second family for three generations, Alexander, the purchaser, being succeeded by his son, Francis, and he by his nephew, William, who dying in 1828 without issue, it reverted to Invercauld.

Among the MS. papers preserved in the Monaltrie parcel are some which are evidently copies, such as, "The Vicar of Bray, a Ballad, to the Tune of the Turn-coat;" "A Prophetek Vision, in rather doggerel verse;" "Cato's Ghost—An adaptation to the circumstances of Britain as ruled by her Hanoverian Kings;" "The Repenting Maid's Call to her Banished Lover—a Jacobitical song in disguise;" "A Critique on the Rev: Mr. McNicol's judicious remarks on Dr. Johnson's Journey to the Hebrides—A satire weak and worthless;" a short poem in blank verse entitled "This Rising Prince—of no value;" "A Pastoral Lamentation, said to have been composed and sung by King James the 4th's Queen after the Battle of Flodden 1514, now sung to the tune, 'The Flowers of the Forest.'" On the margin there is this note in the handwriting of the author of the critique above noted, "The Queen could not have been the Composer of the song as She never could have made use of the expression ~~in~~ the 2nd line of the 2nd verse, as she herself was English—'The English for ance by guile gât the day.'"

This version of the song is really the same as the old version of "The Flowers of the Forest." There is also a small poetic effusion under the title of "The Rose," written for the 19th of June, which seems to be original, and two copies of "A memoriall of ye. D. of Q. to the Queen," which is referred to in his letter of the 17th August, 1703, to the Queen, "Coppie of My Lord Bollingbrook's Letter, Dover 27th March 1715." These are now historical documents.

It is needless to follow the history of the "Baron Ban" after his return to Scotland; but it may be stated that he more than justified the hopes expressed by those who had presented petitions and memorials to the Government in his favour. The following extract, however, may be given from the old Stat: Acct: of Scotland written by the Rev. Mr. Brown, minister of the parish, only a few years after Monaltrie's death, which occurred 22nd June, 1790, when he had attained the ripe age of over four score years:—

"A beautiful bridge of three large arches and a small one at each end, called the Bridge of Ballater, was lately built by subscription, and other contributions, under the patronage of the late Francis Farquharson, Esq. of Monaltrie, a gentleman who has left many lasting monuments of his public spirit in this country. In this parish (the united Parishes of Glenmuick, Tullich, and Glengairn) are the celebrated wells of Pannanich, on the N. side of a hill of the same name, about two miles E. of the church. They are mineral of a very agreeable taste, light water, and allowed to be of use in gravelish, scorbutic, and scrofulous complaints. The wells, being the property of the gentleman already mentioned (Mr. Farquharson), he cleared out the springs, which are three, and covered them; and erected not only several houses on the spot for the accommodation of the water drinkers, as a public and private bath, an octogan for the better sort to retire to, and several houses for sheltering the poor, but also built a large and commodious house called Pannanich Lodge, pleasantly situated upon the banks of the Dee, about a mile W. of the wells, containing a large public room, and a number of private ones, with accommodation for servants and horses which, with a tolerable farm and the houses at the wells, is let to a landlady at £50 a year, who has the good fortune to give universal satisfaction to the company who visit her. Mr. Farquharson likewise made out good roads on both sides of the wells to the public roads; nor did he confine himself to this spot; he paid particular attention to the roads wherever he had the least concern; he made new, repaired old ones, and threw stone arches over several small, but rapid riverlets, which, when flooded, were often impassable, at his own private expense. In a word, possessed of an ample fortune and generous mind, he employed both in improving his country."

The following poetic tribute to his worth, found in MS. among his papers, may fittingly close this notice of this remarkable man:—

"To Fra[n]cis [Farqu]harson Esq. of Monaltrie:—

"Patron of this distinguished Vale,
Hygeia's Priest, Monaltrie, hail!
Accept the grateful tribute due
From all who tread this vale to you,
From those whom rural sports invite,
Or Nature's wildest scenes delight;
From those whom sickness bids repair
To breath this pure enlivening air!
From all whom various motives bring
To quaff th' invigorating Spring,
Which health's gay Goddess from her stores
Thro' triple founts profusely pours;

There, on the mountain's shaggy side,
 She sat enshrined in savage pride,
 By men unhonour'd, and unknown ;
 You clear'd the access to her throne,
 By you the sick, the weak resort
 With ease to her Auspicious Court !
 All taste thy gifts, but chiefly those
 For whom this Fairy Palace rose.
 At your command the de
 And Tadmor rises in the
 For us thy gen'rous cares
 Convenience, Beauty, and Delight.
 Our festive board, our social glee
 Are all deriv'd, all held from thee,
 Then share the pleasures you bestowe.
 And taste the cup of thanks we owe,
 And oft the social circle grace
 Which hails thee, Genius of the place !

Nor only shall this feeble lay,
 Or we, thy Tenants of a day,
 Pay willing Tribute to thy name,
 But future ages fix thy Fame—
 When ill-got wealth and Tyrant power
 Shall cease to dazzle or devour,
 When all the useless selfish crowd
 Shall sink in Time's o'erwhelming flood,
 And idle pomp and pride shall pass,
 Like the light shadows, o'er the grass,
 Our children's children shall revere thy Plan
 And praise Monaltrie as the Friend of Man !
 S. C.

Pannanich Lodge
 July 1782."

The Editor can only guess at the identification of the initials S. C. The date (1782) is rather too early to accord with the prime of life of STEWART CLARK mentioned above, otherwise he would have been a most likely person to have written such a tribute to the memory of Mr. Farquharson.

1 The endings of these three lines are torn off through the tearing away of the seal.

FAMILY LETTERS OF LORD GEORGE MURRAY.

The character of Lord George Murray, as drawn by our leading historians, does not present him in a very amiable aspect. While fully acknowledging his great abilities as a soldier and commander of an army, they are somewhat prone to dwell upon a few supposed defects of his natural disposition. Burton characterises him as "a proud, honest, outspoken, and self-sacrificing man," but "arrogant and self-willed, not only to his colleagues of social rank approaching his own, but to the Prince himself"; but pleads that "men of ability like Murray, unless they preserve a rigid restraint, are apt to let the contempt they feel for the silly people they are embarked with become unseasonably apparent, especially when they are interrupted in their plans by those who do not understand them." Sir Henry Craik, the latest and perhaps the most acute discerner of the characters and motives of the principal actors in the rebellion, thus refers to him: "He brought to its support the ability of an accomplished strategist. But his temper was harsh and overbearing. He patronised rather than followed the Prince. He flouted the Highland chiefs, and was at little pains to disguise his contempt either for their manners or their notions of conducting a campaign. He refused to court the little cliques that had followed the fortunes of the exiled house, and acquired from them the hatred which weaker men can cherish for one who thwarts their designs and despises their methods." While all this may be quite true, these letters show another side of his character which came but little, if at all, under public recognition—his home and family life. In the bosom of his family he was a very different man from what he seemed to be at the head of a heterogeneous and unruly army. They show him to be of a gentle and affectionate disposition, playfully entering with almost boyish sympathy into the cares and amusements of his children while guiding their thoughts in a pious direction.

The following are family papers, with occasional references, however, to the events of the Rising of 1745. They have never been published, and are interesting as showing what manner of man the Commander of the Highland Army was, both in private and public life.

"Copy of Papers found in Lady George Murray's trunk, 5th April, 1766:"¹

"Abercarny² 11th Feb: 1745. "

"Dr Daughter,³

"Your Mama wrote to you yesterday, but as it is to be delivered you by Abercarny, who tho: gone off this morning will not be at Edr. for a week, by reason of his making some stay at Dunibrisle, I imagined you would be impatient to hear some particulars about her, which you will have at greater length when you receive her letter. We were in no small apprehensions about the roads in this great storm when we left Dunkeld on Monday the 4th instant, but very agreeably were we surprised to find the way so well paved that the roads, particularly to moor of Kairn which used to be so bad, was better than ever I saw them in summer. In short we had a fine day and your Mama rode easier than ordinary, she was much pleased with your saddle, and the horse, Yoke, which is now to be called her Pad; I really believe she will turn fond of riding, and I am resolved to get such another saddle as yours for her. We went only to Standly that day, that being a visit we long intended. The weather was so bad upon the Wednesday & Thursday that we were very glad to be in such good quarters, and stayed till Friday; that proved a fine day and we made Balgown which was our next intended stage, just as quick as we could have done in summer; and on Saturday night we came here, which was a short stage of four miles. Our intention was to have been home this day, but Lady Christian is so pressing and obliging that it will be tomorrow before you see Georgie who is in perfect good health, and I dare say would send his service to you did he know I were writing. James Robertson who [m] we sent to Tullibardine on Sunday is just now come from thence with the young man's compliments.

¹ Lady George Murray, after the death of her husband in 1760, frequently resided with her daughter, Lady Sinclair, at Invercauld, where a room was set apart for her use which for long after was known as "Lady George's Room." The trunk referred to was a small chest in which she kept the more cherished relics of her family, and especially memorials of her late husband. Its contents do not seem to have been known to any one but herself, to whom they were doubtless a sacred treasure. These letters were found in it when it was opened after her death in 1766.

² ABERCAIRNEY, then the seat of Lord George Murray's father-in-law, is situated in the Parish of Fowlis-Wester, Perthshire, about $4\frac{1}{2}$ miles east of Crieff. At the time of the rebellion it was a substantial though unpretending mansion. It is now a splendid Gothic edifice, built in 1842 and enlarged in 1873. "The surrounding estate has belonged to the Murray family since 1299, when Sir John Murray de Drumsargard wedded Mary, sole daughter of Malise, Earl of Stratherne." The situation is one of the finest in the county, and the beautiful grounds are remarkable for the grand old trees that adorn them.

³ This was Amelia, his eldest daughter, afterwards Lady Sinclair and wife of James Farquharson of Invercauld.

The snow is prodigiously deep there and no shifting (provender) for the beasts, but what they get thrown to them. Our first calfe of this season is dead, as also an English ewe that had two lambs, but there is another ewe in good health after bringing forth two fine lambs, and another with one lamb, so you see Georgie does not want company.

"I am now to recommend to you to take care of yourself, and mind your Dancing &c. I need not say more upon this subject, since I know you have as much a desire to do well as your parents can wish. Your behaviour in company is the main point, and that I hope will always be improving.

"We have not heard from you this fortnight. Our letters that came last week to Tullibardine were all sent off on Saturday for Dunkeld, and we missed the express, for they thought we were so (as) near them, as this place is. Your Mother, who I have the pleasure to tell you is in very good health, sends you her Blessings in which I join. The Lady of this house makes you compliments as does Miss. Pray, remember to say what you think can be agreeable in our (this minute I have got yours of 1st February which I shall answer soon) names to Countess Dundonald and the young Ladys. We are concerned that Mrs. Donaldson keeps her cough so long. Sure she may have the best advice, say she must be very careful of herself.

Adieu."

Lord George early developed a military genius. He took part, probably as page to his brother, Tillibardine, in the Insurrection of 1715, though then only ten years of age; and he was one of the few persons who joined the Spanish forces which were defeated at Glenshiel in 1719. After serving abroad for several years, he returned to Scotland and received a pardon on his being presented to George I. by his brother, the Duke of Athole. He seems to have lived quietly on his property near Dunkeld, and not to have taken any part in the Jacobite plots that began to be formed about the year 1737. Several transactions regarding the sale of some lands took place, as noticed in the Estate Papers, between him and John Farquharson of Invercauld. At first he does not appear to have taken warmly to the Rising of 1745, for it is on record that he went to meet Sir John Cope at Crieff when on his march to the North to suppress the Rebellion. It is presumed that he might easily have been got to join the Government forces; but he was so coldly received by their commander that little hope was left him of advantage in that service. At the date of the foregoing letter he was living quietly with his family at or near Dunkeld, and probably ignorant of the

meditated insurrection that took place the following autumn. The letter therefore has no reference to politics, and shows the man simply as he was in the bosom of his own family.

"To the Honble.

Miss Amelia Murray
at Edinburgh.

"Dear Daughter,

I received Miss Hamilton's letter which came by the carrier, and shall write to her next week. Both you and I are much obliged to her (as indeed we are to all my Lady Dundonald's family) for she writes very favourably of you, and I am persuaded you will do your utmost to deserve her good opinion and everybody's else.

"I left your Mama and Georgie in good health Tuesday last, I propose returning to Tullibardine tomorrow. I found your Grandmama as well in her health as ever I sec'd her, which I was very glad to find, as I was afraid she might have been the worse of wanting Mrs. Donaldson so long.

"As it is uncertain how short your stay may be now at Edinburgh I make no doubt of your making the best use of your time.

"I have sent you a six and thirty shilling piece,¹ which I desire you to make use of for any little things you don't incline to put in your accounts, and you need not take notice to anybody that I sent it you. James Stewart, who will deliver you this, will get it chang'd for you if you incline to employ him. I recommend to you to be always neat, especially about the feet, for nothing is more becoming a young person like you than to wear stockings and shoes.² Your grandmother sends you her blessing and I remain,

Dear daughter,
Your most affect. Father
George Murray.

Arnhall, 15th March
1745.

"If at any time you write to me I would rather you did it by the post than carrier for as the post comes off from Edr. the tuesdays,

¹ This was Spanish money, a considerable quantity of which was distributed among the Highland chiefs preparatory to the abortive Rising in 1719, and it might have been inconvenient for Lord George to have let it be known that he was in possession of such money. Hence the caution he enjoins.

² This does not imply that young ladies of her class ever appeared in public without shoes or stockings, but that attention to this part of their dress was often neglected, and so reprehensible; and the clause might read—"nothing is more becoming in a young person like you than neatness in the wearing of stockings and shoes."

thursdays & saturdays, the last at ten at night and the other two at midnight, you need not be in such a hurry as you commonly are when you write by the Carrier, for some of these evenings you may readily be by yourself in your own lodgings. Fairwell. Inquire of the Countess of Dundonald if Mr. Hugh Hamilton be gone to London with his Brother Sr James. If not, to know where he is."

"Letter from my Father, Janry 1746.

To

The Honourable¹

Miss Amelia Murray
at Tullibardine."

"This letter was written the day before the battle of Falkirk (16th January, 1746)."

"Dear Amie

I write you this chiefly to recommend to you to take care of your dear Mother, I have ever observed you of a very tender and sweet disposition, and therefore I know your Inclinations will lead you to do [what] I most ardently wish; be always advised by her, and if by any (her) approbation you should change your situation of Life, if it be in your power, be ever together. I send you some of her letters, and desire you may get from her all the others, which pray preserve, and I think it is the best present I can make to you, were I in a situation the most prosperous. My love to your Brothers. If ever you have a proper opportunity tell Johny, that I wish he meddle as little as possible with politikes, and to endeavour to be independent; either (better) live upon a little with contentment than covet to riot in pleasure & plenty, which breeds wrath & distemper, and chose (with his mother's consent) a wife, & let her regard the temper & mind more than all other considerations; and finally, never to do an action but what he can be satisfied it is just & right. The same I recommend to Jamie & Georgie, & even the Infant yet unborn. God Bless your Dear Mother & you all; I fear I have hurt you, my children, in your Worldly affairs, but who knows, it may turn out to your happiness; contentment with little is better than riches.

"This from your most affecte. Father

George Murray."

A letter written to his family by a General on the eve of a battle is certain to breathe his inmost thoughts and display the man in his most

¹ Amelia Murray, eldest daughter of Lord George, ultimately, as already noticed, became the wife of James Farquharson of Invercauld. She had previously been married to Lord Sinclair, who died seven months after the marriage. The present Mr. Farquharson of Invercauld is through her lineally descended from Lord George Murray; and the present Duke of Athole is the representative in the male line from the same ancestor.

solemn mood. In this letter several things are observable—his affection for his wife and children ; his desire to preserve the memorials of his life and wise counsel ; his own solicitude for his sons' public and private life, and the wisdom of his direction for its attainment. But besides these paternal anxieties there is an evident misgiving on his mind as to the success of the Cause in which he had embarked. "I fear I have hurt you, my children, in your worldly affairs." In the circumstances, could any expression be more pathetic or more significant? From the beginning of the march into England, in the end of October, to the date of this letter all his plans had been thwarted, his advice neglected and his motives suspected ; and yet every success that attended the army was entirely due to his generalship ; and the final disaster might have been averted had his advice not been despised. He led the Highland army to victory at Prestonpans, and now, when it was again to face a formidable foe, its leaders, reluctantly laying aside their former jealousies, entrusted to him the entire command. It was on the night when all the dispositions of the forces and the order of battle had to be arranged and planned, that the above letter was written. We know now where his heart was, while his head was on the field of encountering hosts. The result was a signal victory—the last the ill-fated army was destined to achieve. It had been said by one, who was no favourer of the Stuart cause, that "had Prince Charles slept from the time he gave the command of his followers to Lord George Murray on their departure from Perth to the close of the campaign, he might have awoken heir-apparent to the British Crown. As it was, his own waywardness and jealousy ruined all." On the mind of the General the gloom of coming events were casting their shadows before.

The report of the engagement on the following day (17th January) is briefly recorded thus (*Miscellany of Spalding Club, Vol. I. p. 325*) :—

"Friday, 17th. Lord Ogilvy's 2 batalions marched out of Stirling, to review at Bannockburn, from whence he marched with the Royal Standard, in second line, to a Hill above Falkirk, where the Prince engaged the enemy, under General Hawley, routed them, took their artillery, baggage, amunition, and tents, and quartered that night in Falkirk. Two men of Lord Ogilvy's were killed and three wounded. A standarder taken.

"Saturday 18th. Wee marched back to Stirling to assist at the siege.

"Sunday in the trenches, as also Monday and Tuesday."

A full account of the battle is given in any of the many histories of the rebellion now accessible to the public.

The following is the first letter preserved of Lord George Murray to his family after the disastrous defeat at Culloden. It is written from abroad, and is a copy by his wife inscribed, "The within wrote by my Dearest Husband and found by me after his death in a Box where he kept any particular papers."

"This is wrote on the back of a paper by my Mother, Lady George Murray, the contents of which are as follows: (A. Murray)."

"My children are all equally dear to me, I pray God to bless them and make them virtuous, I shall say nothing about this in this place; for in that and every thing else you will always do as your prudence will dictate. The House in Town and Garden have cost me about 500 Pounds, a vast sum in my situation, and it has exceeded by far what I even intended. I beg your Pardon in the first Place, and I entreat my children to excuse me in that, and much more so for having imprudently engaged myself in the forty five, by which I have brought Ruin on you all; I shall only say my intentions were upright, and I thought to have saved my Country, sure I have acted an honest and disinterested Part, but I am afraid I have much to answer for, for having brought destitution on you and my children; I hope the Almighty will forgive me accordingly. No words can express my very deep sense of your independent goodness, your Worth and prudence would have Guided me better had I always followed your Advice, but indeed when I did not it was more want of Reflection (for I had ever a conviction of your discerning and knowledge in all affairs) than any other reason. My heart is melted when I reflect & think on you, my Guardian Angel, & it is a pleasant reflection for me to think, whatever may become of me, my children lose nothing so long as God spares you to them. May you always enjoy that contentment of mind resulting from your perfections.

"My most excellent wife, my Dear Amelia, farewell.

your George Murray."

"Enclosed in the above was the following which, from the manner of the writing, must have made a most deep impression upon our Father's Heart, and is a fresh Proof of the ingratitude of that most unfortunate and very worthless Family.

A." (Amelia).

"Copy of the message received 11th July 1747."

"Paris 11th July at night.

I this moment was called to the door by a gentleman who delivered me the following message, that he had just come from H; R; H; The

Prince of Wales at St Omar, who had heard I was come to town—that His R: H: desired I should not come near him, for he would not see me—and that I would do well to leave Paris as soon as I could.

Signed George Murray."

"I asked the gentleman his name, who, after assuring me he would not have delivered such a message without His R: H: s positive orders, *he* at last told me his name was Stafford—I desired him to acquaint H: R: H: that I had come to France with no other design but to pay my respects to him, and that I should obey his orders, which I desired Mr. Stafford to Assure His R: H: off.

Signed George Murray."

"Dunkeld, 6th April, 1748.

My dear Sister,

Your worthy husband and I looked over our Mother's Papers last night and found none of any consequence except the provision for our sister, Charlotte, but the fore going I thought precious, and Right that you should have a copy off, as the first shows the integrity, and Goodness of Heart of Both our Parents, and the other shows the return our Father mett with for the much he had done, and the all he had sacrificed, for those most Worthless People.

Atholl."

The writer of the above was the brother of Lady Sinclair, who afterwards became the wife of Mr. Farquharson. He had married his cousin, the daughter and heiress of the second Duke of Athole, and in her right succeeded to the title and estates.

After more than seven years' banishment from his native land this is how Lord George writes to his wife and children:—

"15th August 1753.

How great a change, my dear child, from the comfort of a society I loved, to a loneliness far easier felt than mentioned! Your change is of a different kind from solitude (neither adapted to your age nor temper) to variety of Company with those you like, and who like you. I must, however, own it is my sentiment that your retreat for two years may, now they are past, be of some use to you. Time for reflection, for a person of your age and sex, is not often to be met with, and, if you did not improve it to the best advantage, I am conscious it was more the fault of the Master than the scholar. Had my situation allowed of it we would have been in places where Carage, Dancing and good company would have been greatly usefull to you in after Life; some months past at Venice, and then at Paris, would have been as profitable to you as it must have been agreeable. How happy should I have been,

to have conducted my two Amelias (his wife and daughter) to those places! Tho: I said nothing of it yet much did I revolve it in my mind, but it would not do. I shall ever look upon myself as a preceptor, to some young people; I shall take leave therefore to offer some advices, which my age and affection give me an opportunity to propose, as the only mark of a tender regard that at present is in my power. Beware of Flattery; it is a rock thinly covered with smooth water upon which unthinking youth are apt to split, nor do they perceive the danger till they are shipwrecked. Skilful pilots have sea-cards to point out not only their way but the Rocks and Shoals, so that they may avoid them; so persuade that young people (indeed those come to age are too often in the same case) when they have insence lavish'd upon them, should take great heed to consult their prudence, that there be not something meant for their hurt, for whoever flatters is a Rock or a quicksand ready to swallow the frail vessel. Arguments are useful and instructing, but when they descend into disputes, are always to be dropt. They who can yield even tho' in the right have not only applause, but an inward satisfaction that they are Masters of their passions, which are apt to break out upon contradiction. Avoid idleness when you are not in good company, (I call good company those whom you have reason to esteem, and from whose conversation you may receive benefit and instruction) employ your time in reading, writing, walking &c.; by reading books of history especially you will much improve your mind; letters are also mighty entertaining and instructing. I know you were much taken with those of Lord Mory, Madam Maintenons and the like; such readings will improve your stile, and make you both speak and write with correctness. Travels and voyages are very amusing, far preferable to any Romances even in point of pleasure, besides there is real knowledge that is to be obtained from the first, whereas few of the latter are worth bestowing a rational person's time upon. I except some few such as Homer, Telemicus; and such as have good morals couched under the cloud of fiction. Writing heads, or observations of what you read, will do you much service, and imprint things on your mind stronger than by several times reading the same thing. Copying such letters as suit your taste, will also do you good. Riding, walking, and country Dances when good occasion offers are excellent exercises to preserve health; the first indeed I do not approve much of for a woman, but sometimes it may be used at proper times, and the last should only be done in choice company; for running about to all the dances in a Town, when you happen to be in one, would look like giddyess. It is perhaps my fault if you do not make a curtsy or bow with a becoming grace (Lord George was accounted rather stiff in manner), tho: I remember you could do both once, as well as others. Observing well how others do who are noted for their accomplishments, and you will easily come in again to do

as you did some years ago, for I think it is too late to be under the direction of a Dancing master.

"You know at sea the Mariners' Compass is of the greatest use in navigation; until it was found out people wandered at sea as in the dark, for the sun or stars were not always visible. You know the sea Compass is divided into four principle points, South, East, North, and West, which are denominat and known by the name of the cardinal points, all others being derived from one or other of these; now in human life the ancient Philosophers (and the same is done still) comprehended all virtues under the same denomination of four which were called the cardinal Virtues and from whence all others were derived. These you remember are Justice, Prudence, Temperance, and Fortitude. Nothing in human life that is good and lovely, but what proceeds from one of these four. I shall only for the present take a summary view of each, for with reflection you'll easily see that every virtue must take its rise and belong to the one or other of them. Justice in the first place teacheth us our Duty to the Almighty. Is it not just that we pay our Adorations to that Being who created us, who Governs us and everything else in the Universe with that Infinite wisdom and care and all for the best? Should not our Mornings and Evenings be devoted to contemplation and thanks-giving? Contemplating, as far as our facultys will permit us, the Immensity of his works and goodness, and rendering unbounded thanks for all the benefits we receive, and for the evils He withhold's from us. And should not all our endeavours be pointed to act up to the character of Rational Beings in which station he has planted us? But I do not desire to preach; let us go with the virtues which will not only direct us the best road to the life to come, but do so to the utmost point of perfection in this. Justice teacheth us to do, as we would that others do to us. To injure no person, to be upright and honest in all our doings, to spare to those in real want what our circumstances will allow, to hinder as far as lys in our power oppression and all kind of wickedness &c. Prudence is a guide that will conduct us safely thro: many difficulties, by it we weigh actions and things, we examine, choise, and regret, it learns us to make a right choice of Friends, and when anything of moment is to be transacted, it points out what is best to be done, and what should be left undone. A prudent person will shun a thousand difficulties, snares and dangers, that another will fall into. Prudence teaches economie without averice; and for an unacceptationall conduct in life, what else is necessary, &c.? Temperance is not only aplicable to sobriety in Diet, but regulates all our doings; an avaricious person, one given too much to their pleasures, one who thirsts after immoderate glory, or who is ambitious, is as intemperate as the glutton or Drunkard; and in hunting or dancing and a number of other things one may be intemperate, when they are carried too far.

Those who covet what they see possessed by their neighbour, are they not intemperate? Remains Fortitude, which tho: named last, is equally necessary to our happiness with others. Can that person be said to be happy, who is in continual fears, and apprehensions, whose heart palpitates at every little accident? Some at the waving of a leaf of a tree, at the noise made in the branches by the stirring of a Bird, are agitated with inward emotions, which is also easily to be remarked by outward signs of starting and the like. What agonies have I observed some people in, at the sight of a spider or some other insignificant insect? I know we are often apt to disguise the causes of these our weaknesses, and instead of owning frankly that it is a bad habit of fear, that perhaps we received the first impression of from our Nurses, we give it the name of antipathy; a poor refuge that many content themselves with! What shall we say of those who are thrown into fainting fits at the noise of thunder? Is that not also a bad habit that we have not struggled by reason to get the better of? But I hear a person say that there is real danger in thunder, and many accidents happen yearly by the effect of it; true, but does fear guard you against the danger? Is it not adding a real evil (terror with all its consequences) to an uncertain one? Fortitude enables us to go through real dangers, and support real calamities with resolution. It even tempts Providence by running headlong into dangers that may be avoided. But when those calamities and dangers surround us fortitude inspires us with the best means to shun them, by affording a presence of mind that often extricates the person endued therewith, out of great difficultys. When a pusillanimous person sinks under them and is destroyed by them. But when misfortunes do happen they, who are possessed of this virtue, support them with a becoming dignity, by it they are enabled to bear pain on account of distempers, without murmuring at the ways of Providence; the same in Prison, in Want, in Exile, and Death itself. If this be so, as sure it is; should a Rational Creature be disturbed and be in terror, at the ruffling of leaves, or the stirring of a bird, least it should prove a serpent? Shall a spider fright us because it may happen to have a venemus bite, or that its figure is not pleasant to the eye? or shall Thunder and Lightening terrifie us tho: some have lost their lives, and houses by the effect of it? But where one house is burned by the means of lightning, a thousand have been reduced to ashes by the neglygence of servants; and how many people are there who Die of apoplectic fits in a year more than by the effects of lightning? But sure I am that fears and trembling can no ways prevent it, on the contrary, may have very bad consequences. One thing I cannot omit, and that is, some people pretend that timidity in a woman is becoming. It might be as well affirmed that they are incapable of virtue, for sure stedyness, vigour of mind, and Fortitude as ono of the cardinal virtues, suites and

adorns the one sex as well as the other. Let us, however, remark one thing with the utmost care, and remember that all virtues carried beyond a certain point degenerate into vice.

“Thus justice with respect to our piety towards our Creator, may by being pushed to too great a length, make us persecutors of those who differ from us in points of doctrine, render us uncharitable and unsociable; with respect to man by being carried to excess. It may degenerate into severity and even cruelty. Prudence in its excess degenerates into suspicion, jealousy and avarice. Temperance may be pushed to too great a length even to abstinence, and hurting the constitution in not taking sufficient sustenance, and Fortitude often degenerates into Rashness, foolhardiness, and to a great neglect of self preservation.

“In the Books I recommend to you I omitted those of Morality, and that designedly, as I imagine few young people have reflection enough and coolness for such reading, these may come in their season, and are of inestimable value. In the meantime me thinks I have wrote a book to you on the subject. I suspect it is too long; perhaps it may very well have the fate of your accounts at Frankfort; or what Jamie's pocket book had.”

The foregoing letter closes rather abruptly. It was probably never forwarded, but, as stated, was found in a cabinet where Lord George kept some very particular papers.

The two years referred to near the beginning of the letter were those that preceded his daughter's marriage to Lord Sinclair, during which she generally resided with her mother in Edinburgh.

As a religious teacher and moral philosopher Lord George was as correct as a soldier he was brave; some of the lessons—as that on fortitude—he had learned from experience, and could therefore inculcate with much unction. Such essays as the above formed at his time the favourite exercises of highly educated minds, sometimes of those, such as Lord Chesterfield, who little knew the practice of them. Lord George was formed in a different mould. Sincerity was a distinguishing characteristic of his life, and most of the virtues he inculcates he had ample opportunities of practising, and did so in an eminent degree. We come from a review of his life with a strong impression that he was not only an able and brave general, but a wise and good man.

APPENDIX.

CRATHIE & BRAEMAR.

PROPRIETORS of, from 1635 to 1795.

The following extracts from an old valuation give a very vivid view of the proprietary condition of the country at the earlier of these dates; whilst the progress made on the Invercauld Estates towards a very different condition, during the next century and half, is sufficiently indicated by the writs, already noticed, referring to the several acquisitions made during the interval.

"Be decret of Valuation produced, Dated 17th of June 1635 the rents, Stock, and Teinds of the lands lying within the parish of Crathie, belonging at the time of said valuation to the persons after mentioned amount to the particular sums of money following, viz. :—

Scots.

"The rents, stock and Teinds of the divoch of land of Abergeldie pertaining to Alexander Gordon, comprehending Ballochalloch, Mill Croft, Lynbeg, Camlit, Bovaglie, Dremnapark, Balnacrost, Tulloch, Choguir, Chactanturne (Clachnatern ?), and mains of Aberzeldie	250	0	0
----- Balmorall pertaining to James Gordon of Balmorall	88	0	0
----- Balmorall pertaining to him	44	0	0
----- Twa oxgate of the lands of Inerzaldie pertaining to him	22	0	0
----- One oxgate of lands pertaining to John Macgerine	11	0	0
----- One oxgate of Inverzaldie pertaining to David Donaldson	11	0	0
----- The Smith's Croft of Inverzaldie, being one oxgate pertaining to James Farquharson	11	0	0
----- The twenty oxgate of land of Aberardour pertaining to Robert Farquharson of Invercauld	200	0	0
----- Tullochbeg, pertaining to Donald Farquharson of Monaltrie	48	6	8

1 This was the father of the famous Donald Og or Younger of Monaltrie, of whom many romantic legends are told and who was slain in Aberdeen 1645: see "Spalding's Troubles" *in loco*; and to whose memory a Brass Plate has been placed in Drum's Aisle, St. Nicholas Church, by his last male representative, the late Andrew Farquharson of Whitehouse,

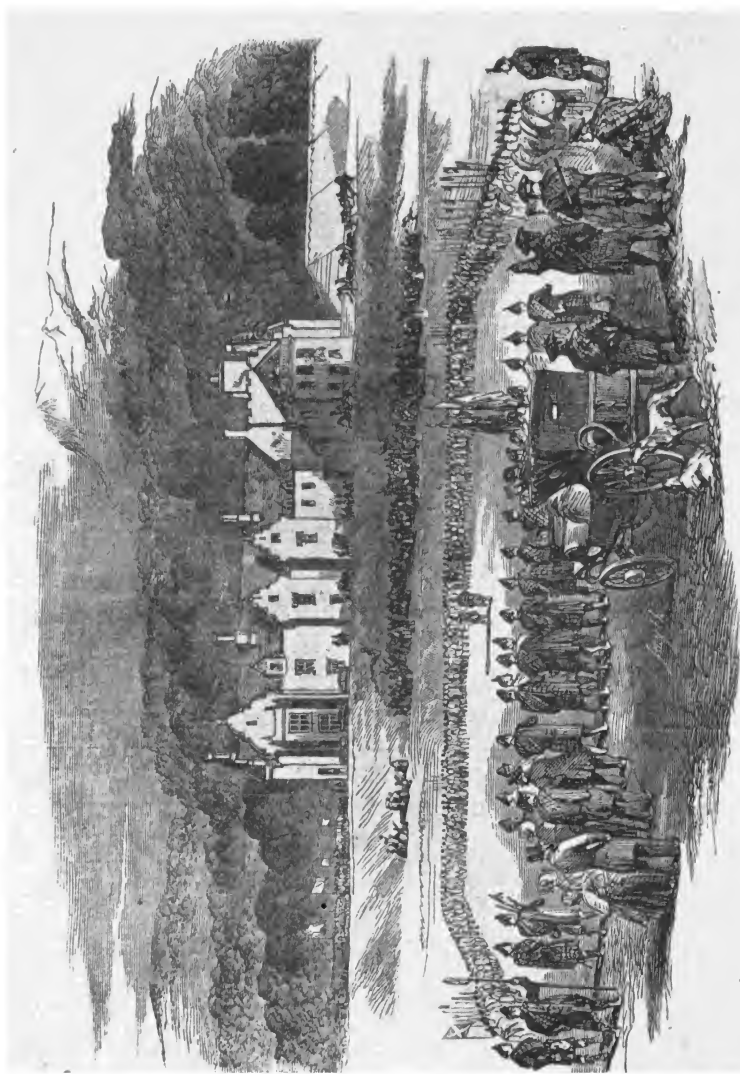
-----	The Doach of Monaltrie pertaining to him .	186	13	4
-----	Twa oxengate of Crathienaird pertaining to Edward MacHardie .	23	6	8
-----	Twa oxengate of Crathienaird pertaining to John MacHardie .	23	6	8
-----	Three oxengate of Crathienaird pertaining to John Symond .	35	0	0
-----	The lands pertaining to Mr. Alex. Ferries ¹ .	105	0	0
-----	Three oxengate of the lands of Lausie per- taining to Donald Keir .	35	0	0
-----	Seven oxengate of the lands of Lausie per- taining to Jas. and Robt. Farquharson .	81	13	4
-----	Twa oxengate thereof pertaining to Findlay Farquharson and J. Symond .	23	6	8
-----	Twa oxengate thereof pertaining to said John Symon .	23	6	8
-----	Twa oxengate thereof pertaining to Alexr. Sygion .	23	6	8
-----	The Croft of Daldunie being twa oxengate pertaining to Edward MacHardie .	23	6	8
-----	The half Doach of Crathie pertaining to John, Wm., and Robt. Farquharson .	100	0	0
	Total . . .	£1368	13	4

The Rental of BRAEMAR is not given in detail; but the amount is £998 scots.

It thus appears that at the date of this valuation (1635) there were in the Parish of Crathie twenty-one separate properties and eighteen different proprietors. Sixty-one years thereafter there were, according to the Poll Book, eleven properties and the same number of proprietors. The Civil War had told disastrously on many of the smaller ones; and though some of them still clung to their lands they found themselves in

¹ This was the minister of the parish who was "adm. before 1st November, 1633; he was recommended to Parliament by the 30th July 1649 for the reparation of his losses, by whom an Act was passed in his favour the day following; he continued 21st Oct. 1662. He marr. Christian Auchterlony, who was alive in 1671, and had a daugh. Agnes, who marr. James Farquharson, of Inverey." *Scott's Fasti*. She was his 2nd wife, his first being Katherine Gordon, daughter of Abergeldie. Mr. Ferries was a man of some means, as in the "Book of the Annualrentaris, 1633" *Sp. Misc. III.* he is represented as possessed of taxable property to the amount of "frie moneyes jm. xl merkis"—no small sum at that time. He is believed to have been an Ancestor of the Poet, Robert Fergusson—see *Life by Dr. Grosart*—"Famous Scots Series."





The Praeger's Gathering at Invercaddell in 1878

such embarrassed circumstances that but little hope was left them of ever retrieving their fallen fortunes. To some extent this accounts for the participation of so many of them in the Jacobite Risings under Dundee and the Earl of Mar. In the latter case, however, it was more coercion by their Lord Superior than goodwill to his enterprise that compelled several of the more substantial to join his standard. This is abundantly evident from the Invercauld Papers as well as from those edited by Colonel Allardyce.

The '15 brought to the verge of ruin a few—Invercauld among others—who till then had been in comfortable, even prosperous circumstances; while those who hoped, by sharing in it, to be relieved of their legal obligations were rendered desperate, and fell an easy prey to the fallacious prospects held forth in the subsequent¹ rising under Prince Charles Edward.

The forfeiture and sale of the Mar estates made a great change in the proprietorship of the district; but the result of the '45 in a few years produced even a greater by compelling those who had taken part in it to succumb to their difficulties and part with their lands. It was in the Braemar district, however, that the largest redistribution of property occurred. In Crathie proper there were at the date of Sir John Sinclair's Statistical Account (1794) still six proprietors of land within the parish, viz.:—"James Farquharson, Esq., of Invercauld; William Farquharson, Esq., of Monaltry; Charles Gordon, Esq., of Abergeldie; William McDonald, Esq., of Rineaton; and the Reverend Thomas Gordon of Crathynaird."¹ In 1842 they had decreased to three. "The sole proprietors of the parish then were: Lord Fife; Mrs. Farquharson of Invercauld; and Michael Gordon, Esq., of Abergeldie." This applied to the united parishes of Crathie and Braemar. Since then has occurred the happiest and most important event in the proprietary history of Deeside—the acquisition from the Trustees of Earl of Fife, of the Estate of Balmoral by

HER MOST GRACIOUS MAJESTY QUEEN VICTORIA,

DECEASED 22nd JANUARY, 1901.

Successor—HIS MOST GRACIOUS MAJESTY KING EDWARD VII.

¹ Mr. Gordon was then (1794) Minister of Aboyne. See *Ante*, pp. 112, 355, 356, 367, and *Scott's Fasti*, p. 520.

"Localaty of Glenmuick, Glengairn and Tulloch.
1797."

From this document it appears that in the parish of Glenmuick there were then only four proprietors liable for stipend. These were, stated in the order of the extent of their properties,

"In the parish of Glenmuick :—

Mr. Farquharson of Invercauld.

Mr. Gordon of Abergeldie.

The Earl of Aboyne.

Mr. Farquharson of Monaltre.

In the parish of Glengairn :—

Mr. Farquharson of Invercauld.

The Earl of Aboyne.

Mr. Farquharson of Monaltre.

In the parish of Tulloch :—

The Earl of Aboyne.

Mr. Farquharson of Monaltre.

Mr. Farquharson of Invercauld.

Mr. William McDonald of St. Martins.

Captain John McDonald (Micras).

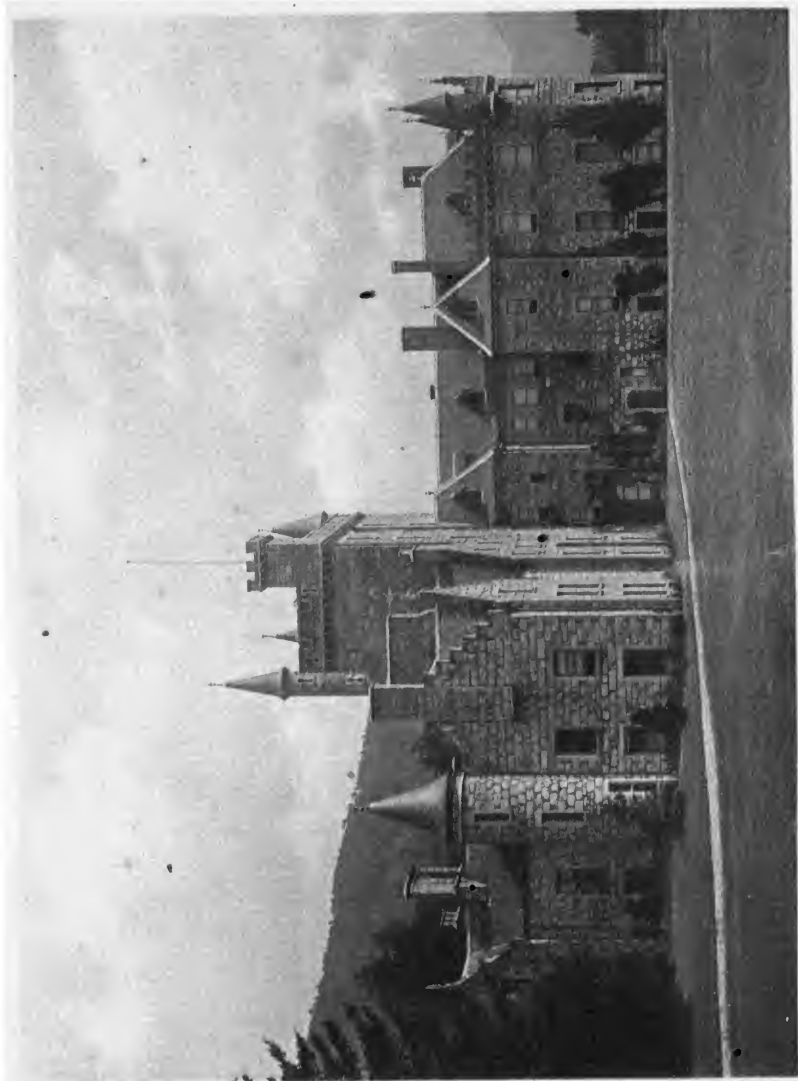
Mr. Erskine of Auchallater (E— Micras).

The above locality is made out in terms of the statement made up by the common agent."

"COMMISSION

. . . The Earle of Tullybardine To Paul Farquharson, 1702."

"Be it known to all men by thir presents Us John Earle of Tullybardine &c: Thereof principall of the Sherifdome of Perth for as much as by the Thritty first Act of the sixth Session of this current parliament. Intituled Act against prophaness, It is statute and ordained that all sherifs and others having ordinary jurisdiction May nominat and appoint Deputs for each paroch in their Jurisdiction for putting your said Act to Execn. And wee being Credibly informed of the honesty and good qualifications of Paull Farquharson of Rochalzie; And that he will impartially putt the foresaid Act and all other laws and Acts made against prophainty and immorality to execution. in the paroch of Blairgoury within the said shire, Therfor we have made and Constitute, lyke as we hereby make and Constitute the said Paull ffarquharson our Deput within the said Paroch, During our pleasour To the effect foresaid With power to him to Judge all such as he shall find Guilty of prophanity and immorality within your said paroch, And to execute the



Invercauld House from S.W. in 1901
From a Photograph.

Laws and Acts made theranent against them, In the haill head Articles and clauses of the same. The said Paull Farquharson being allways hereby obliged To give his or our Deputs of the said shire An account of his procedour and dilligence in the Executive of his office eight days before at the head Court of the shire. Consenting to the registration thereof in the Books of the Councill and Session or others Competent therein to remain for Conservation and to that effect wee Constitute.

"Our pros and in Witness whereof wee have subscribed thir presents att Huntingtower The twentie sixth day of February one thousand seven hundred and two years (1702)

Tullibardine."

"STATE OF ACCOMPTS

Twixt

ANNA FARQUHARSON
and

FINLA FARQUHARSON
of Rochailly 1733."

"STATE OF ACCOMPTS Twixt Anna ffarquharson Relict of Patrick Farquharson of Rochailly now Spouse to Donald McKenzie of Dalmore, AND FINLA FFARQUHARSON of Rochailly TOTAL resting to the said Anna ffarquharson at Whitsunday 1728 of the liferent provisions due by her Contract of Marriage and conform to a Scheme of State of Accompts in proces and an Interloqr. of the 20th July 1728

1315 6 8

After deductions there remains due to her at the Term of Martinmass 1733

769 8 10

After all deductions and dues the total resting to the said Anna & her husband (excepting penalties and expences of plea) at Mart. 1733 is

1877 15 10

NOTE. The levinly penalties incurred being on fifth of the provisions conform to the sd Contract of Marriage and resting to the said Anna and her husband at Mart. 1733 extend to

£375 8 0

Besides £1000 of penalty incurred by Paul ffarquharson of Rochailly and £783 of expences of plea £1785 0 0

Sums of the last two articles is

1328 5 4

Novmr. 11th 1737.

Finla Farquharson.
Donald Mackenzie."

Nov. 11th 1737.

"BOND OF PROVISION

BY

DONALD MCKENZIE, Esq.,

To

Mrs. Anna Farquharson his spouse of an anny.
of 350 merks—payable furth of the Lands of
Wester Allanaquoich.

Dated 11, Nov. 1734."

"BE IT KNOWN To all men by thir presents me Donald Mackenzie of Dalmore FORASMUCHAS Anna farquharson relict of the deceased Patrick farquharson of Rochailly, now my spouse, by her renunciation of the date hereof, Hath at my desire and with my consent renounced, discharged quitte claimed and simplr. over given and delivered To and in favours of ffinla farquharson, now of Rochailly only son in life procurate twixt her and the said, deceased Patrick farquharson, All and haill an at rent of four hundred and forty merks Scots money effeiring and corresponding to the sum of eight thousand mks. money foresaid or such an at rent as should effeir and correspond thereto conform to the Laws of Scotland for the time to be yearly lifted and taken out at two terms in the year Whit. and Mar. by equall portions furth of all and haill the Town and Lands of Rochailly, Neither Milntown of Mais, parts, pendicles, and pertinents therein, lying within the paroch of Blairgowry and Sherriffdom of Perth, and furth of the Lands of Cults and Rynabroich with thir pertinents lying in the paroch of Glengarden and Sheriffdom of Aberdeen or furth of the haill mailles, farms, properties and duties of the said haill lands, Together with the contract of marriage entered into betwixt the said Patrick and Anna farquharson of the date of the sixth day of June 1710 years whereby the said at rent became due and Infestment following thereupon in her favours. And that in so far only as concerns and may be extended to the foresaid lands of Rochailly, Neither Milntown of Mais with thir pertinents and pendicles, As the said Renunciation of the date foresaid in itself which more fully purports."

The Bond then goes on to state the sums payable to Anna Farquharson in the event of her surviving the said Donald M'Kenzie, providing always that she continue to have a liferent of the lands of Cults and Rynabroich in terms of the Marriage Contract to the said umqll Patrick Farquharson. Donald M'Kenzie binds and obliges himself, &c., to make good the same to Anna Farquharson, his spouse, and gives in security the lands of Wester Allanquoich during her lifetime; grants her also for life-rent the lands of Craggen amounting in all to 350 merks. The Bond ends thus:—

"In witness qro. the said Anna farquharson in testimony of her acceptance as at rent mentioned and I have subscribed this and the three preceeding pages (written by Geo. M'Kenzie, Writer in Edinburgh on stamped paper), Att Dalmore the eleventh day of November, One thousand seven hundred and Thirty-four years, Before these witnesses, Mr. Charles Bog, preacher of the Gospel in the Paroches of Glengarden, Glenmuick and Crathie and Andrew Duncan, Sawmiller in Glenluy.

Donald M'Kenzie.

Ch. Bog, witness,

Andrew Duncan, witness."

A good deal of the fortunes of the Rochailzie family turned upon the results of the above Bond. The connection between the families of Invercauld and Rochailzie, always intimate, became closer by a marriage between a daughter of Invercauld and the young Rochailzie mentioned in the Bond, and led ultimately to a Disposition of the Deeside property, and some of the Perthshire, to the former family.

"PRECEPT
ALEXANDER FARQUHARSON
of Monaltrie
Agt
the Tenants of
Crathie.
1737."

This is a very long document, measuring 3 feet by 1; and, except for dates and names of old inhabitants, is not very important:—

"WILLIAM FORBES, Esquire, Sheriff-Depute To, &c. FOR AS MUCH AS its humbly meant and shown to us be Alexander Farquharson of Monaltrie, that where the said complainer obtained a Decree of mails and duties against the persons under written upon the 15th day of December, 1736 years, at his instance against John Mchardie, eldest lawful son to the deceased John Mchardie, and grandson to the deceased Charles Mchardie of Crathie, before the Lords of Session, declaring All and haill the towns and lands of Crathie, the town and lands of Tomidues, with that pendicles of land called Richardline, all lying in the paroch of Crathie etc. to PERTAIN to the said Alexander Farquharson of Monaltrie etc. for payment of the sum of £1000 Scots money £200 of liquidate expenses incurred through failure by the said Charles & John Machardies and Alexander Ferguson of Tombellie to fullfil their part of the agreement in haill the sum of £1151 Scots, and that by and uttour the composition to Superiors and

expenses of Infestment etc., The said Decreet of the date aforesaid by Lord Drummorie by virtue whereof the said complainer have good and undoubted Right to the Lands and others above rehearsed; and therefore desterning the several persons underwritten Tenants, Occupiers and Possessors of these Lands to pay and deliver to the said complainer for their respective possessions the yearly mails and duties under written viz. Donald McAndrew, in Tomidhues sum of £21. 13. Scots; James Stewart, there, £16. 18. 8. Scots; John Fraser, there, the sum of £16. 4. 8.; Margaret Symon, there, the sum of £16. 18. 8.; Elspet Smith, there, the sum of £16. 4. 8.; Mr. John McKinnes, Minister of the Gospel at Crathie the sum of £106. 13. 4.; John Fleming in Recharchrie, the sum of £22, resting by the said defenders for crops in years 1733, 1734, 1735, 1736, deducing and allowing always to the said defenders the sums underwritten; Mrs. Machardie, £120, less dues and salary to schoolmaster etc. Decree for the same was granted and failing compliance the usual order for Distraint was issued.

THE WHICH to doe WEE committ to you contie. and Seallie. our full power by this our precept GIVEN under our Seale Att Aberdeen the 14th day of January 1737 years.

Geo: Turner."

"MINIT OF AGREEMENT

Between

Charles Mchardie

and

Marjorie Mchardie, etc. 5th July 1737."

"Edinr. 5th July, 1737. printed by John Sim writer in Edinr. and regt. conform to the probative act by Wauchop pror. A. K. T.

Att Abergeldie the thirteenth day of October seventeen hundred and eighteen years. It is agreed upon betwixt the parties following. That is to say, Charles Mchardie in Burnside of Lumphanan, John Mchardie of Crathie and Marioan Mchardie and Isabell Mchardie with the speciall advice of Patrick Gordon in Mains of Acholie, her husband, that is to say the said Marioan and Isabell Mchardie with consent and advice of the said Patrick Gordon do hereby bind &c. themselves in all maner of way of any right or title they put to the eight oxgates of land called Crathie and Tomadous, with the woods, parts & pendikills thereto belonging in favour of the said Charles Mchardie & his heirs and that betwixt this day and the first day of December next to come, for which cause the said Charles Mchardie binds and oblidges him to grant sufficient security to Isabell Mchardie and Patrick Gordon her said husband for the sum of a thousand marks money foresaid which sums are to be paid at Whitsunday, seventeen hundred and nineteen years with the ordinarie at rent of foresaid Respective sums from the

terms of Martimas next to the foresaid term of payment and all parties binds and obliges themselves to perform the promises and express the same upon stamped paper conform to the advice of men of Law under judgement (with this prohibition that the said daughters of the deceased John Mchardie, doe secur Alexander ffarquharson of Monaltrie, who is now purchaser of sd lands against David Mchardie, their brother, who is supposed to be dead, in case of his return, to oblige Monaltrie to repay the money) and that under the ffalzie of fivehundreth marks to be payed be the party felior to the partie performs or willing to perform by and outover performing of the premises. This presence are written be James Shaw of Cratheneard and subscribed with our hands, day and place & year of God forsd, befor these witnesses Charles Gordon of Abergeldie, Mr. John McInnes, Mr. of Crathie, John Gordon in Tolldon, and James Shaw writer fforsd.

Charles Mchardie.

Charles Gordon, witness.

John McInnes, witness.

John Gordon, witness.

May Mchardie.

Isobell Mchardie.

witnesses."

"DISCHARGE AND RENOUNCIATION.

Charles Gordon of Abergeldie

to

ffinlay ffarquharson
of Rochalzie 1740."

"BE IT KNOWN To all be thir present letters me, Charles Gordon of Abergeldie, with the speciall advice and Consent of Alexander Gordon, merchant in Aberdeen, my sole Curator. FFORASMUCHAS The deceast Charles Gordon of Abergeldie, my Grandfather, By his Bill Dated the Thirty day of December In the year 1714, Drawn by him upon and accepted by the deceast Patrick ffarquharson younger of Rochalzie, binding him to pay to the said Charles Gordon or his order, Upon account of the late Earl of Mar, The sum of fifty three pounds sixteen shillings and eight pennies Scots money, at the term of Martinmas then next to come, as the said Bill of the date foresaid, In itself more fully bears, LIKEAS the said deceased Patrick ffarquharson by his Bond, dated 19th January 1714, Band and obliged them his heirs and successors to pay and deliver To John ffarquharson in Wester Coull his heirs Executors or Assignies The sum of £100 Scots money, At the term of Martinmas then next to come, with the sum of twenty pounds money foresaid, of liquided expense in case of failure, And Annual rent of the said principale sum, Ay and so long as the same should happen to remain unpaid after the Term of payment above mentioned, As the said

Bond of the date above specified in itself at more length purports. AND SICKLIKE The said John farquharson by his Assignation, Dated the 16th June 1722, made and Constituted the said Charles Gordon, my Grandfather, his heirs and donators and assignies. In and to the haill sum of money Principall annual rent and liquidate expence contained in the Bond above deduced. As the said Assignations of the date above mentioned, Itself at more length contains. IN LIKE MANNER upon the 4th of January In the year 1724 The said deceased Charles Gordon obtained Decreet at his instance, Before the Lords of Councill and Session against Paull farquharson, eldest son and lawfully charged to enter him in generall to the said deceased Patrick farquharson Be virtue of Letters of general charge to enter Heir dated 16th and signett the 17th day of October In the year 1722, duely execute at the instance of the said Charles Gordon, Against the said Paull farquharson and his Tutors and Curators for their Interest Decerning and Ordaining him and Paul farquharson Elder of Rochalzie, his grandfather, as Tutor and Curator to him for his Interest To make payment and satisfaction to the said Charles Gordon of the above Two principall sums, And Annual rents thereof from the time the same is due, And in all time thereafter during the not payment contained in the accepted Bill and Bond and assignation above decreed, as in the said decret of the date above specified at more length is contained. Moreover upon the Twenty seventh day of February in the year 1725, There was Decret of Adjudication obtained at the instance of the said Charles Gordon Before the Lords of Councill and Session against the said Paul farquharson, younger of Rochalzie, and his said Tutor and Curator for his interest, as representing the said Patrick farquharson, his father, In manner therein mentioned and as lawfully charged to enter therein, In speciall to him, In the Lands and others therein and after specified, Be Virtue of Letters of speciall charge to enter therein, Dated 31st January and signed 2nd March, both in the year 1724, And duly executed against him and his said Tutor and Curator for his interest at the instance of the said Charles Gordon, Decerning Adjudging and declaring the ground right and property of All and haill the davock Lands of Coult, Extending to eight oxgates of Land comprehending there intill the half Lands of Coult, The half Lands of Delnibo and the half milln, Milln Lands, multures and others with the pertinents therein mentioned, Together with the shealings grassings and pasturages in Glenfenzie and Renovocatin conform to use and wont, as also of all and haill the other just and equal half of the Lands of Coult, Extending to eight oxgates of Land comprehending there intill The half Lands of Coult, The half Lands of Delnabo, and the half Milln, Milln lands multures and others particularly therein mentioned, With the shealings and pasturages in Glenfinzie and Rinovocatin and others thereto belonging, And Sicklike of all and haill the four oxgates of Land

of the Lands of Rinabrat, with the pendicles thereof called Stranriach, Torrbegg and Alaveralziane, With the Millns, Millnlands, Woods, houses and pertinents Together with the shealings and pasturages in Glaschyle of Tomerhaine and others thereto belonging with the pertinents as also of all and haill The Towns and Lands of Rochalzie and Haugh with the haill parts pendicles and pertinents thereof all lying in manner therein mentioned, To pertain and belong to the said Charles Gordon his heirs and assignies heretablie for payment and satisfaction to him of the haill sums of money, Principall, annual rents and liquidate expence, contained in the accepted Bill Bond and Assignation, And Decreet of Constitution above decreed, Extending in haill at the date of the foresaid decree of Adjudication To the Accumulate sum of five hundred and forty five pounds, fourteen shillings eight pennies Scots money and of the Annual rents of the said Accumulate sum In all time from and after the date of the foresaid decree of Adjudication By and attour the composition to the Superior and expence of the Infirmitments to follow thereon, As the said Decreet of Adjudication of the date above specified Together with the abbreviate thereof duely recorded conform to act of Parliament, In themselves more fully specified. AND NOW SEEING ffinlay ffarquharson now of Rochalzie hath made payment and satisfaction To me the said Charles Gordon of the foresaid Accumulate sum of £245. 14. 8. Scots money, And haill by gone Annual rents thereof resting since the date of the Decreet of Adjudication above decreed, Thereof will ye me the said Charles Gordon not only to have exonord and discharged. Likewise & be the tenor thereof as nearest and lawful heir to the said deceast Charles Gordon, my Grandfather, With the speciall Advice and consent of the said Alexander Gordon, my sole Curator for me, my heirs executors and successors, Exonor, quite claim, and simpliciter off charge The said ffinlay ffarquharson now of Rochalzie, and all others the heirs and Representatives of the said deceast Patrick and Paull ffarquharsons, Their heirs, executors, and successors of the two principall sums above mentioned, and annual rents thereof from the respective Terms of payment of the same, To the date of the decree of Adjudication above decreed, and of the liquidate expence above specified incurrd through failie, All contained in the accepted Bill, and Bond and Assignation, and Decreet of Constitution above decreed, extending in haill at the date of the foresaid Decreet of Adjudication, To the Accumulate sum of £245. 14. 8. Scots money, and of the annual rents of the foresaid Accumulate sums of all time by gone, resting since the date of the Decreet of Adjudication above mentioned and of the said Accepted Bill, Bond and Assignation, Decreet of Constitution, and Letters of General and special charge above mentioned, and executions thereof, And Decreet of Adjudication and Abbreviate thereof, With all that has followed or may follow thereon And of all Action, Instance, and execution competent or that any ways may

be competent To me or my foresaids anent the promisses. BUT ALSO To have renounced, likeas & be the Tenor thereof with consent foresaid for me and my above written, Renounce, Discharge and Overgive To and in favour of the said ffinlay ffarquharson now of Rochalzie his heirs and Assignies, All and haill the foresaid Lands, Milln, Millnlands Teynds and other subjects above mentioned, With the pertinents Contained in the Decreet of Adjudication and Abbreviate thereof above dedued, Together with all right, Title, Interests Claims of Right property and possession, which I have or can pretend thereto or to any part thereof In all time coming. DECLARING the said Lands and others above mentioned, To be lawfully redeemed and output from me and my foresaids, And entirely disburthened and discharged of the haill sums of money above specified contained in the Decreet of Adjuduation above dedued, and haill force Influence and effect of same. Likeas I the said Charles Gordon with consent foresaid Bindeand Oblige me and my above written To Warrant the above Discharge and Renounciatiō To be good Valid and sufficient To the said ffinlay ffarquharson now of Rochalzie And all others the heirs and Representatives of the said deceast Patrick and Paull ffarquharson and their above written, At All hands and against all deadly, As law will, but with the exception of all former receipts granted on my account for any part of the sums of money above mentioned, which are all hereby declared to be discounted and allowed. And to the end I may be served heir in generall to the said deceast Charles Gordon, my Grandfather, and the rights and Titles to the Decreet of Adjudication above mentioned. And haill sums of money therein contained fully established in my person so as the same may be assured to the said ffinlay ffarquharson and his above written for the further compleating the above discharge and Renunciation, Will ye me, the said Charles Gordon, To have made and Constitute Likeas & be the Tenor hereof with consent foresaid for me and my above written, Make, Constitute, and ordain conjunctly and severally, my Prors. To the effect after specified, Hereby Authorising and Impowering them, or any one or more of them for me and in my name, To purchass Briernes forth of our sovereign, Lords Chancellary for serving me heir In general To the said deceast Charles Gordon, my Grandfather, to cause execute the same and be virtue thereof to compare before whatsoever Judge or Judges competent within this Kingdome and Obtain me the said Charles Gordon served and cognosed Heir in generall To the said Charles Gordon, my grandfather, TO RETOUR my said service and generally all and every other thing there anent, To do which I might do myself if I were personally present Promising to hold firm and stable all and whatsoever my said Prors or any one or more of them Lawfully do in the promises But revocation or again calling. And having instantly delivered up To the said ffinlay ffarquharson The Decreet of Adjudication and haill other writes above deduc'd I am

content and consent thir presents be Insert and registrate In the books of Council and Session or in any other competent Register within this Kingdom therein to remain for preservation, And to that effect Constitute My Provs etc. In Witness whereof Written upon Stamped paper By Hugh ffraser, servant to James Catanach, Advocate in Aberdeen. We have subscrivd thir presents, Consisting of this and the six proceeding pages, At Aberdeen This Twenty day of December 1740. Before Witnesses, Francis ffarquharson in Braichlie, Lewes McKenzie in Dalmoir and the said Hugh ffraser, Writer hereof Witnesses also to the Marginall note on the sixth page.

"Francis Farquharson, Witness.

Lewis McKenzie, Witness.

Hugh Fraser, Witness.

Charles Gordon.

Alexr. Gordon.

"At Aberdeen The Twenty Fourth day of December 1740. Betwixt the hours of one and two afternoon, The Discharge and Renunciation Before written consisting of this and six Preceeding pages was presented by John French, Writer in Aberdeen and Registrare in the 282 and 283, Leafes of the 24th Book of the New particular Register of Sasines, Reversions, and other Writes Within the Sherifffdom of Aberdeen and Kincardin, Conform of Parliament made there anent By me Charles Forbes, Clerk Substitute to and Keeper of the said Register.

Charles Forbes."

"LORD LOVAT'S VISION AND PROPHECY."

"The

VISIONS AND P—PH—S

OF THE RIGHT HONOURABLE

S—M—N L—D L—V—T,

which were revealed unto his Lordship when he was skulking in the Island of Morar, by the late L—d St—h—ll—n (Strathallen), May 13th 1746:"¹

"The

Visions and P—ph—s.

"There is no man of common Descretion, but may, by observing Events, have a glimmering Fore-knowledge of what shall come to pass with regard to himself. For my own Part I must confess that I have been always fore-warned of all the Revolutions, I have undergone, since

¹ "N.B. The Box in which this was in was thrown into the Lake, and was found by one Hugh MacDonald, servant to Clanronald."

I have been fifteen years old—But since all Things are governed and directed by a superior Being, it was never in my Power to evade any one of them, tho' never so much to my Hurt and Disadvantage.

“My History is too well known to the World, to enter into a Detail of it at present. Therefore will content myself to leave to Posterity, few Observes or Remarks that I have made, or rather were revealed unto me in my present Recluse, and which will surely come to pass, after I am laid in my Grave.

“After the fatal Battle of C—l—d—n, when I as well as others, of my unhappy, tho' brave Countrymen, was to shun the Carnage intended against all Ranks and Degrees, without respect to either Age or Sex, obliged through the Caprice of Fortune, to absent my own House and Estate, and look out for Safety among the wild Inhabitants of the Forest.

“My son, *Alexander*, out of his filial Duty to his aged and decrined Father, gathered together a select and trusty Number of Friends to carry me about on a Litter. But finding no place a safe Retreat for me on my own Estate, they proposed to carry me to the *Western-Highlands*, among the *Camerons* and *McDonalds* who were then like to gather to a Body a second Time. I cheerfully agreed to this Proposal, and was accordingly carried to *Muidart*, where a few of our scattered Troops were then assembled, among whom were some of the Chiefs, Who agreed to bring to the Field, a competent Number of Men, either to die Sword in Hand, or oblige the Government to give them Terms.

But most of the contracting Parties failing to bring their Quotas to the Rendezvous, it was thought proper to disperse, and that every one should consult his own Safety, as it should seem best to him. I was the only Person at the Meeting, who could not trust less or more to my Heels, and tho' my Life was, by course of Nature, near its Exit, yet I was willing to take the best Care of it I could. So asked my Friends what they intended to do with me, to which they answer'd that they were ready to live and die with me, but that they trusted greatly to my Advice, which they said was always salutary to them; I ordered therefore to build a Boat as soon as possible, on *Loch Morar*, a fresh-water Lake, two Miles from the Sea; in this *Loch* there is an Island, to which we retir'd as soon as our Boat was finished, having got together all the Provisions that we could find in that Country.

“There my Friends, thinking I was out of Reach^d of my merciless Enemies (who accustomed to be beat at Home and Abroad, were like all other cow-hearted Wretches, inexorable Conquerors) did all in their Power to accommodate me and my Son; they prepared such coarse Fare as we then had of, which I eat very plentifully, and having got no Rest for some Nights before, I found myself disposed to sleep, so order'd to make up a Bed mixt with Fog and Moss. I had no sooner laid me down on this Mossy Bed, than a pleasant slumber seal'd my Eyes, in

which me thought, I was translated in the twinkling of an Eye, into a Part (Park) resembling that of *St. James's*, where two Champions in their full Armour, were one on each Side the *Mall*. One of which (whose Name I learned, was *Lanius*) robust and corpulent, was cloathed in tawdry Yellow, faced with black, and his Head shaven. The other (who was called *Paciferus*) Tall and Genteel, was arrayed in light sky-coloured Blue, trimed with Silver, a Lawrel Crown on his Head, and an Olive Branch in his left Hand. These Champions had no sooner viewed each other, than it was proclaimed by sound of Trumpet that the Friends of both should range themselves on their respective Sides: Upon this the unthinking Mob, all to a Man seemed to declare for *Lanius*, as the likelier to carry his Point, but soon changed sides when they saw Thousands from different Quarters, advancing to assist *Paciferus*, so that *Lanius* being deserted by his Party was obliged to fly for safety, and leave *Paciferus* at full Freedom to thank and reward his Friends according to their Merits. I looked over my shoulder to see what became of *Lanius*, and behold there was a great Fire in the *Area*, of the adjacent Palace, which began by this Time to make considerable Progress towards the Neighbouring Houses.

"There was among the Spectators, a Man (whom the People called *Pestiferus*, the Father of *Lanius*) resembling a King in his Regalias, mounted on a white steed with the Rains loose over his shoulder: He was much crowded with a confused and dejected Retinue, which incessantly cryed aloud, *O Pestiferus*, save us and thyself from the Flames, for *Lanius* thy Son is no more. These Words were no sooner spoken, than something was heard to make a crackling Noise in the Fire, upon which the Horse started, and ran away with his Rider, tho' heavily, by reason of the Crowd that stuck fast to his Main and Tail. They were scarcely out of sight when the Fire abated of its own accord, and every thing seemed in the greatest Order imaginable, under the Direction of *Paciferus*, I was much delighted with so sudden and agreeable a Change, but had the Mortification when I awaked to find that it was all a Dream.

I rose in the Morning full of the Impression of my last Night's Dream. And after I had Breakfasted I retired (in order to amuse myself with Speculations suitable to the Times) into a Part of the Island, which by the Inscriptions on some of the stones appeared to have been a Place of Worship Time out of Memory.

"This moved my Curiosity to know futher about it, therefore I began to examine stone by stone very narrowly, but the Characters were so defaced by length of Time, and the Weather, that I could gather nothing from them but the following Lines, which I take to be the Conclusion of a certain Prophecy, Dated *May 1392*, with the Letters *M.M.D.*"*

The above dream or vision is easily read, the wish being the father of it. *Lanius* is the Duke of Cumberland; *Pestiferus*, George II.; and *Paciferus*, Prince Charles Edward. It is not badly recorded. *The Prophecy* is as follows:—

*"When Gallia's Bands, shall sweep the Belgrick Coast,
And Britons weep for thousands they have lost,
When sullen Dutch-men dread the Gallick shore;
And E[n]glan[d] Bankrupt Russian Aid implore,
When Rivers cease to run their wonted Course,
And turn their Waters to their Mother Source,
When Threats from France shall frighten Britain's Isle,
Then shall a Youth return from his Exile.
At whose approach a N—g¹ shall take his Flight,
In [seventeen] hundred and forty eight."*

"Tho' I sincerely believed that there was something couched in these Lines, I made no Scrutiny, because the Meaning of such is seldom clearly discovered, till they come to pass.

"It was then twelve O'Clock of the Day, and the Sun whose Beams were very scorching, through the Reflection of the Water, obliged me to look out for a cooler shade, where I laid down not so much to Ruminat on what I had Dream'd the Night before, or amuse myself with the Discovery of the Day, as to give way to Grief for my distressed Country, with the State of my unhappy Family, and the Cruel Fate of the Hero, under whose Banner I and my Clan engaged.

"I was no sooner immersed in these melancholy Thoughts, when Lo a Person cloathed in White, and winged like an Angel appeared unto me, and said, Cousin *Simon*, be not afraid, neither be troubled in thy Spirit, concerning thy Family, nor concerning the Hero, whose just Quarrel you espoused. He is the peculiar Care of Heaven, therefore he shall see an End of all his sufferings, and in due Time be in Condition to reinstat your Ancient Family in its Pristine Glory. He shall indeed wander for some Time through barren Rocks, and unfrequented Vallies, and undergo great Fatigue and Danger, both by Sea and Land. Ruffians shall be sent in search of him but their Attempts shall be in vain, for none that shall be in Company with him shall prove unfaithful, from the Chief even to the poorest Shepherd. Providence shall direct him, and in his greatest Straits send some honest *Highlander*, to lead him in a safe Road, from his blood-thirsty Enemies. Tho' many of his Adherers shall fall by the barbarous Hand of the Executioner, his Interest shall never suffer

¹ I perhaps "N—g" means Nag, referring to the steed that took flight at the "crackling noise in the fire"; and both may have reference to the King's bucolic proclivities which procured him the sobriquet of *Farmer George*.

thereby, for every one that shall thus be Maletreated, ten shall declare for him, the Lord shall confound the Devices of his Adversaries, who make the People groan under the heavy Load of Taxes, imposed upon them. Nevertheless they shall submit the Neck to the Yoke of their Tax-masters till their Credit is ruin'd both at Home and Abroad, then shall they clearly see that there is no Redemption for them but by breaking their Chains; to assert the Liberty and Property, peculiar to this Nation, tho' the Seat of Bribery and Corruption for some Time past.

"However the P—— shall be an Exile till his Adversaries are full ripe for Destruction. Then shall the Lord work Miracles in his Favour to turn the Hearts of Princes, and Potentates towards him; yea Nations that were before against him, shall Fight his Battles, that he may inherit the Crown, which was impiously wrested out of the Hands of his Ancestors. Then shall he rule, and govern the People in Equity and Truth, according to the wise Maxims he shall lay down for himself during his Exile. As he shall know how to carry himself, and the difference between the Prince and the Fugitive, his Ear shall be open to the Complaints of the Beggar, as well as of the Rich, and their Case shall be examined and decided impartially; he shall never discover the Nakedness of the Land, by impoverishing it to enrich another Nation, but in Possession of his Birthright, and under no Apprehension of being turned out, he will always study and promote the Interest and Welfare of his People, who, from a feeling of their past Sufferings, and a Sense of the Blessings they shall enjoy under his auspicious Reign, will be wholly devoted to his Service.

"He shall have a numerous Issue who shall succeed and Copy after him in his Wisdom and prudence, and shall inherit the Crown of B—— to the end of the World. Nevertheless, thou O *Simon*, shall not see him Restored, for in a few Days, you shall be apprehended in this Island by a Sea Monster, who will deliver you to the Hands of your Persecutors, and they, regardless of your Age and Justness of your Cause, will sentence you to die, and your hoary Head shall be severed from your feeble Body, but the Lord shall give you Fortitude and Resolution to behave manfully and decently at the Hour of Death, so that young and old shall applaud your glorious Exit, and immortalize your name, while this Island—is called B——; having said thus he paused a while, upon which I took the Liberty to ask him what should become of such as opposed the P—— in his late Glorious tho' unsuccessful Enterprise in which they promised to assist him.

"To this he answered, that through the immense Goodness of the P——, many Delinquents should not only be pardoned, but also received into Favour, though some are destined for Destruction, here and hereafter; among the latter is the ignominious L[air]d of McL[eo]d, who contrary to his Oaths and Protestation to his lawful Prince, turned out his most

inveterate Enemy, therefore his Sentence is already engraved on a Brass Plate, with a Steel Pen to this Purpose, Let him be despised and hated by those whom he supported rather through Fear than Love; Let his corrupt and carnified Soul become one Substance with his rotten, nauseous, putrid Body, linger and dwindle away his wretched Life with unpitied Remorse, and a Complex of loathsome Distempers 'till the old Woman, who shall have him in Charge, after he is forsaken by his Physicians, smother him between the Blankets, lest she should catch his unheard-of Distempers. At that Juncter shall Satan stand at his right Hand to receive the inseparable Soul and Body, in order to bear them hence to his dark Regions, and there to be used as his Perfidy here upon Earth deserved.

"I was just going to ask him what should become of Sir A—x—d—r McD[onal]d, when he prevented me, by giving me to understand that he could not exceed his Commission, and telling me that he, when in Time was called Lord *Straithellen*, who was killed or rather butcher'd in the Battle of C[ulloden], and with all commanding me to write all I had seen and heard, and enclose it in a Strong Box, which I was to cast into the Lake, that it might fall into some friendly Hands, and escape those of the Enemy, who wou'd not hesitate to brand it with the Epathet of a Fiction, and use it accordingly.

"Having thus spoke he claped his Wings to his Side, and soar'd up towards Heaven, in a Pillar of Light, leaving me in the Dark, with regard to my Question with innumerable others, which I design'd to propose, had his Lordship stayed longer

FINIS."

Sir Alexander McDonald and the Laird of McLeod, "the two chiefs who reigned in Skye," declined to join the Prince in Glenfinnan. "It was their good fortune, as the first appealed to, to have taken up this position, for they were perseveringly kept to it by President Forbes." There was therefore no breach of "oaths or protestations" on their part—conduct very different from the false protestations of Lovat.

In the article (*Estate Papers*) on Easter Migvie the record there given extended only to the acquisition of the property by Invercauld. The following two papers, since discovered, carry the proprietary history much further back, and may be of some interest to many of those who are now connected with it under its new designation of HOPEWELL.

"EXTRACT DISPOSITION
CHARLES GORDON OF BLELACK
TO
ALEXANDER STEWART
1772."

"At Aberdeen the Third day of December one thousand seven hundred and seventy two. BE IT KNOWN to all men by thir presents me, Mr. Charles Gordon of Blelack, heritable proprietor of the Lands and others underwritten, Whereas Alexander Stewart, Writer to the Signet Did at Martinmas one thousand seven hundred and thirty Fyve years make payment to me of a certain sum of money as the adequate price and value of the Lands, miln, and others after disposed wherewith I hold me satisfied and hereby answer and simpliciter Discharge him his heirs and successors thereof for ever, Renouncing all Exceptions and objections to the Contrary, Therefore to have sold• Alienated and Disposed Likeas I under the provisions and Conditions after expressed, Hereby, sell Alienate and Dispose heritably and irredeemably, But any manner of reversion, Redemption or Regress, To and in favours of the said Alexander Stewart his heirs and assignees whatever All and hail the Town and Lands of the half Davock Lands of Easter Migvie, and the pendicle thereof called Boddomend, and houses biggings, yards, tofts, crofts, muirs, meadows, woods, fishings, graseings, shealings, perts, pendicles, priviledges, and universal pertinents thereof, lying within the paroch of Migvie and Sheriffdom of Aberdeen, And sicklike All and hail the third part of the shadow half of the Town and Lands of Auchterearn, Third part of the shadow half of the miln thereof, the Third part of the shadow half of the Land of Tulloch, and third part of the shadow half of the Lands of Drummie, with houses, biggings, yards, Tofts, Crofts, mosses, muirs, meadows, woods, fishings, grassings, sheillings, parts, pendicles, priviledges and universal pertinents thereof lying within the paroch of Coldstone—now Logie Coldstone, and Sheriffdom foresaid, And the multures, sequels, and knaveships of the same, with all right Title, claim, property and possessions which I have or can pretend to the hail Lands and others above disposed, or the Teinds, pasturage and vicarage thereof, And Sicklike such a part of the mosses of Blelack commonly called the moss of Auchinaran, and of all other mosses belonging to be the said Charles Gordon, as will correspond to the Lands hereby disposed, in proportion to the hail Lands and Estates of Tilliepronie and Blelack pertaining to me, conform to their respective rents as the sum shall be decrived and Bounded in Letters of Marches to be extended twixt me and the said Alexander Stewart thereanent, All and full power heritable and unredeemable Tollerance & liberty to him and his foresaids and their Tenants and possessors of the said lands for ever

To cast therein Lead Drive and carry home Firr peats, Turiff and other fewell to their resive. possessions of the said Lands on Carts or other Carriages Through my Estates of Blelack and Tilliepronie, by the roads ways & passages used and wont, And also with full power and liberty to the possessors of the said Lands & Miln of Auchterearn, Tulloch and Drummie above disponed, To feed their cattle and Bestial upon the out common pasturage of the haill Lands of Tilliepronie, propriscuously with the Cattle of the Tenants and possessors thereof, and to the Tenants and possessors of my Lands of Mains of Tilliepronie to feed their Cattle and Bestial upon the out commonty of the foresaid Lands and mill of Auchterearn, Tulloch and Drummie, premiscuously with the Cattle of the Tenants and possessors thereof And to the Tenants and possessors of the half davach lands of Migvie and Bottomend, To feed and pasture the cattle promiscuously with the cattle of the possessors of my Town of Culurden commonly called Easter Cairnmore on the out common pasturage thereof and to the possessors of my said Lands of Culurden To feed and pasture their Cattle upon that part of the out commonty of the Lands of Migvie & Bottomend called Whytehill promiscuously with the cattle of the possessors thereof, But prejudice always to the said Alexander Stewart or me and our foresaids To labour, manure, Inclose or improve the foresaid common pasturage of our own resive. interests, or any part thereof at our pleasure, notwithstanding of the servitudes above exprest, And reserving to me and my foresaids the multures of the said half davoch Lands of Migvie and Bottomend and pertinents as they are presently Thirleū astricted and paid to my mill of Blelack. In the which the Lands miln and others above disponed with the privileges and servitudes foresaids I hereby Bind and oblige me my heirs and successors To Infeft, vest, and lease the said Alexander Stewart and his above written heritably and Irredeemably upon their own charges with and under the provisions and reservations before and after exprest by double Infeftments and manners of holding, The one Thereof to be holden of me and my foresaids for payment yearly on Whitsunday eve of a penny Scots money upon the ground of any part of the saids Lands in name of Blench farm, if the same be asked Allenarly, and freeing and relieving me of the few blanch and other duties payable furth thereof, to my Superiors of the same, and the other of the said Infeftments to be holden from me and my foresaids of my immediate Lawful Superiors of the Lands (and) mill and others as exprest in the same way and manner as freely in all respects, as I my predecessors or authors held, hold, or might have holden the samen ourselves. And to that affect I hereby bind and oblige me and my foresaids to give Grant subscribe and deliver to and in favor of the said Alexander Stewart and his above written, All Charters Dispositions and other necessary Writs, containing prories of resignation precepts of Sasine and all other usual and ordinary Clauses.

And that they may be infest by resignation, I hereby make constitute and ordain . . . and ilk one of then conjunctly and severally my Acters, factors & commissioners Giving, Granting & committing to them and each of them as said is my full and unalterable power to Compear before my immediate Lawful Superiors of the Lands & others foresaid or their Commissioners having power from them at any time and place Lawful and convenient and then & there with all due reverance & humility as becometh purely & simply by staff and baston as use is, To resign, renounce, Surrender, Upgive, overgive and deliver, Likeas I, As if the said resignation was already made, and then as now, hereby resign, renounce, surrender, upgive, overgive, and Deliver All and hail the Town & Lands of the said half davock Lands of Easter Migvie with the pendicle thereof called Bottomend and houses, biggings, yards, tofts, crofts, muirs, meadows, woods, fishings, graseings, shealing, parts, pendicles and privileges and universal pertinents thereof lying within the paroch of Migvie and Sheriffdom of Aberdeen; & Sicklike.

"All and Hail the third part of the shadow half of the Town & Lands of Auchterearn, Third part of the Shadow half of the miln thereof, the third part of the shadow half of the said Lands of Tulloch and third part of the shadow half of the said Lands of Drummie, with houses, biggings, yards, tofts, crofts, mosses, muirs, meadows, woods, fishings, graseings, shealings, parts, pendicles & privileges and universal pertinents thereof, lying within the said parish of Logie Coldstone & sheriffdom foresaid, and the multures, sucken, sequels, of the same with all right Title, Claim, property or possession which I have or can pretend to the foresaid hail Lands and others above disposed, Or to the Teinds parsonage & Vicerage thereof; & Sicklike such a part of the said moss of Blelack commonly called the moss of Auchnaran, and of all other mosses belonging to me the said Charles Gordon, as will Correspond to the foresaid Lands hereby disposed in proportion to the hail Lands and Estates of Tillypronie & Blelack pertaining to me, Conform to their rescive. rents as the same shall be divided and bounded in letters of marches to be extended twixt me and the said Alexander Stewart thereanent, and with full power heritable and irredeemable Tolarence and liberty to him & his foresaids and Their Tenants and possessors of the said Lands for ever to cast therein lead, drive and carry home fire peats turf and otther fewall to their rescive possessons, of the said Lands, on carts or other carriages through my Estates of Blelack & Tillypronie by the roads ways and passages used & wont, And also with full power & liberty to the possessors of the said Lands and Miln of Auchterearn, Tulloch, & Drummie above disposed to feed Their Cattle & beastial upon the out common pasturage of the said hail Lands of Tillypronie promiscuously with the Cattle of the Tenants & possessors thereof, And to the Tenants & possessors of my Lands of Mains of Tillypronie to feed

their Cattle & Bestial upon the out commony of the foresaid Lands & Miln of Auchterairn, Tullich, & Drummie promiscuously with the Cattle of the Tenants and possessors thereof, And to the Tenants and possessors of the said half davock Lands of Migvie and Bottomend to feed and pasture their Cattle promiscuously with the Cattle of the possessors of my said Town of Culurdin, commonly called ~~Butter~~ Cairnmore on the out common pasturage thereof, And to my said lands of Culurden to feed and pasture their Cattle upon that part of the out commony of the Lands of Migvie and Bottomend called Whytehill promiscuously with the Cattle of the possessors thereof, But prejudice alwise to the said Alexander Stewart & me and our above Specified to labour manure, Inclose or Improve the foresaid common pasturage of our own rescive. Interests or any part thereof at our pleasure, notwithstanding of the servitudes above expressed, And reserving to me and my above written the multures of the said half davock Lands of Migvie & Bottomend and pertinentis as they are presently Thirled astricted & paid to my said Miln of Blelack, All which are hereby ordained to be ingrossed in the Infestments to follow hereon, In the hands of my said Superiors of the same or their commissioner having power from them to receive Resignations and Grant new Infestments thereupon, In favors and for new Infestments of the same to be made, Given and Granted back again heritably and irredeemably, with and under the servitudes and reservations above expressed by the said Alexander Stewart his heirs or Assignees whatever, Acts, Instruments and Documents one or more in the premises to ask lift & raise, And generally all and Sundrie other things requisite & necessary thereanent to do that I might do myself if personally present or to the office of proxie. in the like cases is by law known to appertain promising to hold firm & stable etc. and I hereby bind and oblige me and my foresaids to warrant this present Disposition Lands and others herein contained and Infestments to follow thereon to be good valid & sufficient free safe and sure to the said Alexander Stuart and his above written from all recognitions, forefaultures, wards—simple, or taxed, nonentriiss, reliefs, marriages disclamations purprestures, Intribitions, Interdictions, Appeyacings, Adjudications, private & publick ipfestments, liferents, Terses, courtesies, liferent, Escheat, Back Bonds and all other perils dangers and inconveniencies of whatever kind or nature as well not named as named bygone present or to come at all hands and against all deadly as law will Excepting the Teinds which I only Warrant from my own proper fact & Deed, And likewise I bind and oblige me and my foresaids to free and relieve of all feu blanch Teinds and other duties, ministers' Stipends and Schoolmasters' Salaries due and payable out of the said Lands at and preceeding the term of Whitsunday one thousand seven hundred & twenty six years, which is hereby declared to have been the said Alexander Stuart his entry to the same he and his

foresaid being by the acceptation thereof, bound and obliged to relieve me of the like in all time thereafter; And further I hereby Assign, transfer & Dispose to and in favor of him and his above written, all charters, Dispositions, Feu Contracts, Precepts, Infeftments, Idjudications, Thibitions and all other Writs, Rights, Titles & securities whatsoever made granted, or conceived or that can be interpreted to have been conceived in favour of me, my predecessors or authors or any of them of and concerning the Lands, Miln, Teinds and others above disposed or any part or portion thereof. And particularly but prejudice of the generality foresaid, a Decreet of Adjudication and hail grounds & Warrands whereon the same proceeded, In so far as concerns the said Lands obtained at the instance of Francis Ross of Balnacraig against me as Lawfully charged to Enter heir to the deceased Alexander, and John Gordon, my father & Brother, And the conveyence of the said Decreet of Adjudication of the said Francis Ross to me, and Charter of the Lands of Migvie following thereon by the Superiors of the same in my favours, With full power to the said Alexander Stuart and his above written to obtain themselves Infeft with and under the provisions and reservations foresaid In the said Lands of Migvie and pertinents thereof in virtue of the Precept of Sasine contained in the foresaid Charter, And in the said Lands of Auchterairn, Tulloch, and Drummie, with the miln multures and pertinents thereof in virtue of the precept of Sasine contained in a Charter of the same under the Great Seal granted in favours of Alexander Skene of that Ilk Disposed by him to the said Alexander Gordon my father and adjudged & conveyed by the said Francis Ross in my favours in manner foresaid, And I Make Constitute and Ordain the said Alexander Stewart and his above exprest my Cessioners and Assignees In and to the mails, farms, profits and duties of the hail Lands miln and others above disposed due and payable by the Tenants & possessors thereof for the Crop in year one Thousand seven hundred and Twenty six and in all time thereafter, With full power to them to call and pursue for payment thereof receipts and Discharges thereupon to give which shall be sufficient, And generally all other things requisite and necessary anent the premises to do That I might have done myself before the granting of this Assignment. Which is so far as concerns the writes and evidents I hereby Bind and oblige me, to warrant at all hands and against all deadly as I will, and in as far as concerns the mails and duties from my own proper fact and deed Allenarly, And lastly I have herewith delivered to the said Alexander Stewart the hail writes and evidents which I have of and concerning the foresaid Lands conform to Inventarys signed by him and me And consent that thir presents be Insert and registrate in the Books of Council and Session Sheriff or Commissary Court Books of Aberdeen or in any other Competent Indicatory within this kingdom therein to remain for preservation and if

need be to have the strength of a Decreet that Letters of horning on six days charge and all other Exetts. needful may help thereon in forms as Effairs and for that Effect I Constitute

my Prors. &c. Altour

"To

"and ilk ane of you conjunctly and surrally my Bailies in that part hereby specially constitute, It is my will and I require you and each of you, that this my precept seen ye pass to the grounds of the said Towns and Lands of the said half Davock Lands of Easter Migvie with the said pendicle thereof called Bottomend and Give and Deliver heritable State and Sasine real, actual, and corporal possession To the said Alexander Stuart of the said Town and Lands of the half davock Lands of Easter Migvie and pendicle therof called Bottomend with the houses, biggings, yards, grassings, shealings and whole pertinents thereof lying within the said paroch of Migvie and Sherifffdom of Aberdeen By delivery to the said Alexander Stuart or his pro. in his name bearer hereof of Earth and stone of the ground of the said Lands of Easter Migvie and Bottomend, and of all other symbols requisite. As also that ye pass to the said grounds of Tillypronie and Blelack rescive and to the said Moss of Blelack commonly called the moss of Auchinaran all lying as said is And give heritable state and sasine, real, actual and corporal possession to the said Alexander Stuart of the heritable and irredeemable servitude and liberty to him and his Tenants of the said Lands of Migvie and Bottomend, Third part of the shadow half of the Lands and miln of Auchterearn, Tulloch and Drummie, To cart and winn peats, firr, turff and other fewall in the said moss of Blelack commonly called the moss of Auchinaran, and to lead, drive, and carry the same home to their rescive, possessions of the said Lands on carts or other carriages, Through my said Lands of Tillypronie and Blelack by the roads ways and passages used and wont, and of the servitude of pasturing the cattle of the Tenants and possessors of the said Lands of Auchterearn, miln thereof Tulloch and Drummie on the out common pasturage of the said Lands of Tillypronie promiscuously with the Tenants and possessors then of Their cattle, and to the Tenants and possessors of his Lands of Easter Migvie and Bottomend, To pasture their cattle upon the out commenty of my Town and Lands of enburden commonly called Easter Cairnmore promiscuously with the cattle of the possessors thereof. By delivering to the said Alexander Stuart or his attorney or attorneys in his name Bearers hereof of Earth and stone of the Ground of the said Lands of Tillypronie and Blelack and of the moss thereof rescive, and of all other symbols usual and ordinary, But with and under the provisions and reservations above exprest, all which are by thir presents ordained to be Ingrossed in the Infestiments to follow thereon. And this in no wise ye leave undone. The which to do I committ to you and each of

you as said is my full power by this my precept. In witness thereof (written upon stamped papers by Robert Leith writer in Aberdeen) I have subscribed thir presents on this and the six proceeding pages at Aberdeen this ninth day of June one Thousand seven hundred and Thirty-one years before these witnesses James Irvine Advocate in Aberdeen and the said Robert Leith (signed) *Charles Gordon, James Irvine, witness, Robert Leith, witness,*

"Extracted upon this and the Thirteen proceeding pages by
Chas: Gordon."

"FACTORY AND COMMISSION

BY

THOS. FAIRBAIRN, ESQ.

TO

MRS. DORATHEA FAIRBAIRN

FRANCIS RUSSELL AND ÆNEAS SMYTH, ESQRS.

Dated 5th Decr. 1789.

Regd. 26th feby 1793."

"At Edinburgh the twenty sixth day of February one thousand seven and ninety three years. In presence of the Lords of Council and Session compeared Mr. Robert Hamilton, advocate pror. for Thomas Fairbairn after designed, and gave in the Factory and Commission under written, desiring the same might be registered in their Lordships' books, conform to law, which desire the said Lords found reasonable, and ordained the same to be done accordingly, whereof the tenor follows.

"Know all men by these presents, me Thomas Fairbairn, Esq., of the Island of Antigua, eldest lawful son now in life of the deceast Dr. James Fairbairn late of Hopewell, Physician, considering That I am about to return to the foresaid Island, and being resolved to confide the management of my affairs in Scotland during my absence to Mrs. Dorothea Fairbairn, my Mother, Mr. Francis Russel of Westfield, advocate and Æneas Smyth, Esq., Agent for the Bank of Scotland at Aberdeen (the said Mrs. Dorothea Fairbairn during her lifetime being always a sine qua non) as my Attorneys and Factors to the effect under written. Therefore To have made, constituted and ordained as I hereby Make, Constitute, Appoint and Ordain the said Mrs. Dorothea Fairbairn, Francis Russel and Æneas Smyth, Esq. to be my Attorneys, Prors., Factors and Commissioners, Giving and hereby Granting to them full power, warrant and commission for me and in my name to ask, demand, suefer, receive and discharge all rents of lands, customs, casualties and services due or that may become due to me by any person or persons in Scotland, to let leases, prosecute removings and to constitute Prors. and Advocates, to pursue and defend for me in all actions and causes in which I may be interested as also to purchase Brines forth of the

Chancery for serving me heir male and of provision to the deceased Mr. Thomas Fairbairn, minister of the Gospel at Gartly, or to the deceased Thomas Fairbairn his eldest son, my uncle, or heir in general, special, or of Provision to the said deceased Dr. James Fairbairn, my father, or James Fairbairn, once his eldest son my brother now deceased, To sign any Claim or Claims necessary for me there-ant, to Retur the Service or Services to Chancery, to obtain Precepts of Clare Constat, and all other writs requisite for establishing in my person the right to the lands and estate of Easter Migvie and others herein after described, To complete the same by Infestment in my name, and for these purposes to do everything lawful and necessary that I myself could if present. As also to sell and Dispose of either by public Roup or private bargain as they shall think proper All and hail the Town and Lands of the half Davack lands of Easter Migvie with the pendicle thereof called Bottom-end, with the houses, biggings, yards, tofts, crofts, parts, pendicles, and pertinents thereto belonging all lying within the Parish of Migvie and sheriffdom of Aberdeen; and for me and in my name to grant, subscribe and deliver all necessary Dispositions and Conveyances off the premises To and In favour of the Purchaser, thereof, which I hereby Declare to be a sufficient right and security to any such Purchaser, and to be in every respect as valid and effectual as if subscribed by myself; And in like manner to grant Receipts and Discharge for the Purchas price which shall be equally valid to the Receiver, And in general everything to do in and concerning the premises or any part thereof, that I myself could do if personally present Promising to hold firm and stable all and whatever things my said Commissioners shall do or cause to be done in the premises without revocation. And with further power in general to them to do, act and transact for me in all affairs in Scotland in which I am or may be interested, whatever shall to them seem proper and suitable for my interests. They being bound to account to me for their Intromissions in consequence hereof after deduction of all charges and expenses incurred in my affairs. And I consent to the Registration hereof in the Books of Council and Session, Sheriff or Commissiary Court book of Aberdeen or others competent therein to remain for preservation, and if need be that all requisite Diligence of the law pass and be directed thereon in competent form. For which purpose I constitute Mr. Robert Hamilton, advocate my Prors. in witness whereof these presents (written on this and the two preceding pages of stamp paper by John Marshall, advocate in Aberdeen) are subscribed by me at Aberdeen the fifth day of December one thousand seven hundred and eighty-nine before witnesses the said John Marshall, writer hereof, and Mr. Alexander Smith, student of Divinity in Aberdeen. (Signed) Thomas Fairbairn, John Marshall, witness, Alex. Smith, witness. Extracted upon this and the three preceeding pages, By &c. .

"DISPOSITION BY FRANCIS SYMON
TO
INVERCAULD,

Dated 29th March, 1783."

"I, James Symon, Portioner in Wester Micras, with the special advice and consent of Margaret Clerk, my spouse, For all right and life-rent or other right competent to her furth of or affecting the Lands after disposed, And I, the said Francis Symon, as taking burden upon me for my said spouse, and both of us with Mutual advice and consent, IN CONSIDERATION of the sum of Two hundred and fifty pounds sterling advanced and paid to me, the said Francis Symon, by James Farquharson, Esq., of Invercauld as the agreed price and value of the Lands and others after specified. Wherewith I hold me well content and satisfied, renouncing all objections to the contrary. Therefore I, the said Francis Symon, with consent and as taking burden in manner foresaid Do hereby Sell, Anailzie, and Dispose from me my heirs and successors To and in favour of the said James Farquharson, Esq: and his heirs and assignees whomsoever heritably and Irredeemably, without any manner of Redemption, Reversion or Regress, All and whole three oxgates and an half oxgate of the Lands of Wester Micras lying in the west side thereof and presently possessed by me and my Tennants, which Lands formerly belonged to James Macdonald of Rinetan and were excambed and disposed by him to George Symon, my deceased Father; Together also with the hale houses, Biggings, woods, Multures, yeards, Tofts, crofts, mosses, muirs, shealings, and grasings belonging to the said James Macdonald his heirs successors in terms of the Disposition by the said James Macdonald to the said George Symon, and by his Disposition in my favours, the hail pendicles and pertinents of the said Lands above the Hill of Gallack, except the Grazing and pasturage effering to the said Lands in the Hills and Glens above Sleach and the freedom of grasing and pasturage and moss in Corryquholdan which were disposed by the said James Macdonald to the said George Symon and are now hereby disposed to the said James Farquharson agreeable to the said conveyances of them, Together with all right, Title, Interests, claim of right, property and possession which I and my predecessors and Authors had, have, or anyways could claim or pretend to the three oxgates and an half of land and others above disposed reserving and excepting as aforesaid. And the other of the said infeftments to be holden from me and my foresaids of my Immediate lawful superiors of the same, in the same way and manner and as freely in all respects as I, my predecessors, or Authors held, hold, or might hold the same; and for expeding said Infeftments by Resignation I hereby make and constitute and Sealle my Prors. and attorneys To Compear for me and in my name before my Immediate lawfull superiors of the lands and others above disposed at

any time or place lawfull and convenient and then and there with all due reverence by Staff and Baston as use is to Resign, as I by these presents Resign, surrender and deliver all and whole the said Three oxgates and an half of the Lands of Wester Micras lying on the west side thereof with the hail houses, Biggings, yeards, Tofts, crofts, mosses, muirs, shealings, grasings, woods, multures, parts pendicles and pertinents therto belonging lying as aforesaid, Together with all right, Title, Interest Claim of Right, property and possession which I or my predecessors and Authors has had, or pretend to have to the said oxgates and a half of Land, In the hands of the Immediate lawful superiors thereof in favour of and for new Infestment of the said to be granted to the said James Farquharson and his heirs and Assignees whomsoever in such due and competent form as Acts. Instruments and Documents upon the premisses to take and Generally every other thing to do that I could do myself if personally present or that to the office of Pror. in such cases is known to belong. All which I promise to hold firm and stable without revocation. Which Desposition above written and Infestment to follow thereon I with consent foresaid Bind and oblige me and my heirs and successors to Warrant Aquitt and Defend to be good valid and sufficient to the said my foresaids to free and relieve the said James Farquharson and the subjects James Farquharson and his foresaids. And I Bind and oblige me and hereby dispone of all payable at or preceeding the 25th of March 1783. And of the Feu duties, Minister's Stipends, Schoolmaster's Sallary and all other publick or parochial Burdens affecting or payable for said Lands at and preceeding the term of Martinmass 1782 when the said James Farquharson, Esq: his entry to said Lands is hereby declared to have commenced he and his foresaids being expressly bound and obliged by their acceptance thereof to free and relieve me and my foresaids of said Burdens from and after the said period. Moreover, I with consent foresaid Do hereby Make and Constitute the said James Farquharson and his foresaids In and to all and singular Charters, Dispositions, Retours, Procuratories and Instruments of Resignation, Precepts and Instruments of Sasine and all other writings whatever granted to me and to my predecessors and authors of and concerning said Lands, with all that has followed or may be competent to follow thereon for ever. And in likemanner In and to the rents and duties of said Lands 1783, and in all time thereafter. With all action and execution any ways competent to me for the same surrogating and substituting the said James Farquharson and his foresaids in my full right and place, With power to him to uplift and if necessary to use all manner of legal dilligence for obtaining payment for the rents and duties above assigned and to renounce and put in Tennants and to do everything on relation thereunto. Which assignation I Bind and oblige me to warrant as follows, vitz: in so far as it concerns the writer and evidents, at all hands and against all deadly,

and so far as relates to the rents and Duties from my own facts and deeds done or to be done thereof. And I have herewith delivered up to the said James Farquharsons the Disposition by said James M'Donald of the Lands now disposed in favour of said George Symon dated 19th September, 1741, with the Disposition by the said George Symon in my favour, dated 17th May, 1771, with a letter from Keith Dunbar, W.S. declaring that he had in his custody Seasins following on the foresaid two Dispositions. But in regard to the other Title Deeds of said Lands which were not delivered either to my Father or me in respect they contained other Lands than those now disposed Thereof I assign to the said James Farquharson the obligation contained in the Disposition by the said James Macdonald for giving Transumps. of the Title Deeds to the extent of a legal progress and to the foresaid Letter by the said Keith Dunbar in order to recruer the foresaid Infestments. Moreover in regard the said Margaret Clerk hath voluntarily consented to the present alienation, Therefore she does hereby Promise and I, the said Francis Symon, Bind and oblige me to cause her to appear before the Judge ordinary and in my absence Judicially to Ratify the same, Declaring upon oath that she was not compelled to concure with me in granting this Disposition, But subscribed the same freely and of her own accord and that neither she nor any other person on her behalf shall ever quarrel or Impugn. the Disposition directly or indirectly in time coming. And we consent to the Registration hereof in the Books of Council and Session or others competent for preservation and all others executors necessary may pass hereon and to that effect constitute.

"Prors. & Attour I, the said Francis Symon, with Consent foresaid hereby Desire & Require you & each of you jointly & severally my Bailies to the affect after mentioned specially Constitute That on sight hereof ye pass and deliver to the said James Farquharson & his foresaids, heritable state with possession, real, actual, & corporal all and haill the three oxgates & a half oxgate of the Lands of Wester Micras lying in the west side thereof & presently possessed by me and my Tennants, which Lands formerly belonged to James Macdonald of Rinetan & were excambd and disposed to the said George Symon, my Father. Together with the haill houses, Biggings, Woods, Multures, yeards, Tofts, Crofts, Mosses, muirs, Shealings, grasings thereto belonging lying within the parish of Tullich and Sheriffdom of Aberdeen Reserving always in terms of the Disposition by the said James McDonald, his heirs & successors the haill parts and pendicles of the said Lands above the hill of Gallick, except the grasing and pasturage in the Hills and glens above Sleach and of the freedom of grasing & pasturage & moss in Corryquholdon which are hereby disposed to the said James Farquharson and his foresaids and to his other Attorneys hereof of earth and stone of & upon the ground of said Lands. The which to do I Committ to your full power by this my Precept and Sasine In Witness thereof we have subscribed

these presents wrote upon this and the six preceeding pages of Stamped paper by John Leslie, Clerk to William McDonald, W.S. At Wester Micras the 29th of March, 1783, before these witnesses John Michie and Charles Michie, both in Wester Micras.

"At Wester Micras 29th March 1783, in the 23rd year of the reign of our sovereign Lord George the third King of Great Britain, France and Scotland. Defender of the Faith. In presence of Robert Lumsden of Corrachree one of his Majesties Justices of the Peace for the County of Aberdeen and also in presence of me Notary Publick subscribing compeared personally Margaret Clark, spouse to Francis Symon, Portioner of Wester Micras, who being furth of her said husband's presence Ratified and approved of the within written Disposition and being solemnly sworn and interrogated Deponed That she was in noways compelled to the subscribing and granting of said disposition, but that she did the same of her own free will & proper motive, and that she should never quarrel or come in the contrary thereof directly or indirectly in time coming; and this is truth as she shall answer to God.

"Whereupon, and upon all and sundry, Charles Farquharson in Cluny as Pror. for the within designed James Farquharson of Invercauld asked and took Instruments in the hands of me Notary Publick subscribing, these things were done within the house of the within designed Francis Symon between the hours of 11 and 12 before noon of the Day, month, year of God and of his Majestie's reign before specified, In presence of John Michie and Charles Michie, Both in Wester Micras. Witnesses to the haill premisses specially called & required & hereto subscribing.

"Robert Lumsden, N.P.

John Michie, witness.
Charles Michie, witness."

"At Corrachree 21st April, 1783. In the 23rd year of the reign of our sovereign Lord George the III., King of Great Britain, France and Ireland, Defender of the Faith. In presence of me Robert Lumsden of Corrachree as One of his Majesty's Justices of the Peace for the County of Aberdeen, And also in presence of the Notary Publick subscribing, compeared personally Margaret Clerk, spouse to Francis Symon, Portioner of Wester Micras, who being furth of her said Husband's presence, Ratified and Approved of the before written Disposition, and being solemnly sworn and interrogated, deponed That she was in no ways compelled to the subscribing and granting of the said Disposition, but that she did the same of her own free will and proper motive, and she should never quarrel or come in the Contrary thereof directly or indirectly in time coming—and this is truth as she shall Answer to God.

Margaret Clerk.
Robert Lumsden, J.P.

“Whereupon & upon all & sundry the premisses, Charles Farquharson in Cluny as Pror. for the before designed James Farquharson of Invercauld, asked & took Instruments in the hands of me, Notary Publick, subscribing—These things were done within the House of Robert Lumsden of Corrachree, betwixt the hours of 10 & 11 before noon of the Day, month & year of God, & of his Majestie's reign before writen. In presence of John Baillie & Alexander Anderson, servants at Corrachree, Witnesses specially called & required & hereto subscribing.

Prymissa Allistor.

Wm. Reid, N.P.

John Baillie, witness.

Alexander Anderson, witness.”

RINEATAN.

This small property was situated in the valley of the Gairn, about eight miles above Ballater. Attached to it, however, were some oxgates of land in the district of Micras on Deeside. The following is the account given of the family. *Jervise's Epitaphs and Inscriptions, Vol. II., pp. 168-169.*

“The Macdonalds of Rineatan (? the juniper strath) claim descent from those of Carragach and Keppoch, the first of whom is said to have been the third son of John, Lord of the Isle. According to a Pedigree of the Macdonald's of Rineatan (M.S.) that property was granted to them by the Earl of Mar, about, or soon after the battle of Harlaw, at which Macdonald was taken prisoner.

“Towards the close of the 17th century, when Rineatan was owned by Wm. Macdonald, it was valued at £22. 4. 4. Scots. He was married, and employed one male and two female servants. He owned Muress (Micras) at the same time; and John Macdonald, one of six householders there, was probably related to the laird, since he is described in the Poll Book as ‘classing himself a gentleman.’

“William Macdonald, of 1696, was possibly the father of James of Rineatan, who married Helen Grant, and died in 1776. Besides Mrs. Farquharson,¹ the latter had a family of at least three sons, William, who succeeded to Rineatan, John, who was a captain, and —, a chaplain, both in the army. The second son, who died at Rineatan about 1822, was buried in the family tomb, and although there is no monument to his memory he is said to have distinguished himself in the American War. He owned the small property of Gairnsdale, near Micras, but resided at Rineatan along with his younger brother the chaplain, of whom some good stories are still told in the district.

¹ See Inscription on tombstone. *Infra.*

"The eldest brother, William, who married a daughter of Kinloch of Kiley, bought the estate of St. Martins about 1750. He was one of the founders of, and the first secretary to, the Highland and Agricultural Society of Scotland, at whose request his portrait was painted by Sir H. Raeburn in 1803.¹ Mr. M., who was a Writer to the Signet, died at Edin., 17th May, 1814. He was succeeded by his son, William, who sold Rineaton to Mrs. Farquharson of Invercauld. He married a daughter of Sir W. Miller, Bart., Lord Glenlee, but having no surviving issue, was succeeded, in 1841, by his cousin, Col. Macdonald of St. Martins and Rossie, who married a daughter of Lord Lurgan, by whom he had issue, four sons and two daughters.

"The second tablet was probably erected between the years 1814-17, when 'J. Farquharson' was Lieut.-Col. of the 25th Foot. His ancestors were lairds of Rochalzie, in Perthshire, and, through the marriage of Lieut. Farquharson with Miss Macdonald of Rineatan, it is believed that both families are now represented by Col. Macdonald, who still possesses the Perthshire estate. Col. Macdonald's father, who died as General Farquharson, and Governor of St. Lucia, married Rebecca, daughter and co-heiress of Sir Geo. Colquhoun, Bart. of that Ilk, which family is now represented by Col. Macdonald.

"A perpetual and exclusive right to the burial-ground of Rineatan is said to have been secured to the Macdonalds on the payment of the nominal feu-duty of 1½d. a year.

"The Cossack Burn, a tributary of the Gairn, runs through the Glen, and past the mansion-house of Rineatan, which is a building of two storeys, and possibly from eighty to a hundred years old. Although the outhouses are ruinous, enough remains to show that the house of Rineatan had been a good specimen of a Highland 'place' of the period to which it belongs. Invercauld still owns the property, but the shooting being leased by the Royal Family, the house is now occupied by one of Mr. Farquharson's gamekeepers.

"Occupying a height about half a mile west from the old mansion-house is the BURIAL-PLACE of the old family. It contains about half-an-acre of ground; is enclosed by a stone wall; and surrounded by larch-trees. Near the centre is a square vault with two tombstones. One slab is built into, the other battled upon, the west and outer wall of the vault, and each is inscribed as follows:—

'Within this tomb is laid the remains of JAS. MACDONALD,
Esq: of Rineatan, who died the 9th of May, 1776, aged 63.
Likewise of HELEN GRANT of Tulloch, his wife, and several
other Descendants.'

1 "The Highland and Agricultural Society began with a meeting in Edinburgh in 1784; it was constituted in 1785, James Farquharson of Invercauld being an original member; a Charter was obtained in 1787." R. A. Neil.

"Mrs. M. was of the Grants of Tulloch, in Strathspey, and the next inscription relates to her daughter :—

'Within this sanctuary are deposited the mortal remains of CHRISTIAN, the wife of Lieut. John Farquharson of 76th Regt., and eldest daughter of James Macdonald of Rineatan, Esq : She departed this life on the 29th of August 1781, in the 49th year of her age, leaving one son and one daughter. This stone is erected to her memory by her son Colonel Farquharson of the 25th Regiment.'

The Late Rev. Mr. Neil, of Glengairn, whose knowledge of the genealogies of the families and traditions of the country was both extensive and accurate, writing to the editor under date 15th July, 1879, supplies the following information :—

"I have always understood from the report of old people that the Macdonalds were not long settled in Glengairn. I suppose that the first of them had come about the time of the Revolution or the Protectorate at earliest. It is very unlikely that any branch of the clan would have got possession of lands, soon after the time, and so near the scene of the signal defeat of the Chief at Harlaw. It was the Flemings of Auchintoul, as I learned from their representative, Rev. A. Fleming, Procurator, Blairs, who came to the Glen soon after the battle of Harlaw.

"There were of that family no fewer than 14 of the name of Peter Fleming. The last was out in 1745. He was the best swordsman in the Prince's army, had the land restored after the Rebellion, but was at last ruined by a lawsuit with Rineatan and died in great poverty. A daughter was living within my recollection in Inchmarnoch.

"The genealogy might be thus stated :—

MACDONALDS OF RINETTAN.

William Macdonald—married

Helen Grant, Strathspey.

Issue—

- 1 William, W.S. Edinburgh,
purchased St. Martins. Married—Dundas, had a daughter, who died unmarried. A son who married, but had no issue, he sold Rinettan to Invercauld about 1822.
- 2 Allan, went abroad.
- 3 Alexander, do. do.
- 4 Coll, do. do.
- 5 Ronald, died young.
- 6 John, Captain in American War.
- 7 James, Chaplain.
- 8 Christian, married Col. Farquharson, had a daughter, who died unmarried, and a son, who entered the army, became Colonel, and was father to the present St. Martins,

- 9 Jane, unmarried.
- 10 Anne, do.
- 11 Blan, married Isaac Robertson, Ballaterich,¹ had several children, among others, Mary, Byron's first love.
- "Captain Macdonald's natural offspring:—
 - 1 Elizabeth, by Helen Macdougall.
 - 2 Mary, by Mary Stewart.
 - 3 Anne, by Jane Macdonald (Queen of the Micras). This last was married to John Coutts, and emigrated to America about 1834."

INTRODUCTION OF LARCHES INTO SCOTLAND.

The following account of the introduction of the larch into Scotland is summarised from "Grigor's Arboriculture," Edition 1881:—

In 1738 Mr. Mengies of Migeny brought from London to Perthshire 16 young larch plants as a present to James, 2nd Duke of Atholl. Five of these were planted at Dunkeld and eleven at Blair Atholl. In addition to these plants this Duke planted on his estates down to 1759 nearly 2000 larches.

He was succeeded in 1764 by his nephew, John, 3rd Duke, son of Lord George Murray and brother-in-law of Invercauld. Plants were still difficult to obtain, but between 1764 and 1774 the 3rd Duke planted 11,400 larches.

In 1774 he was succeeded in the title and estates by his son, John, 4th Duke, who was probably the greatest planter of his time. Between 1774 and 1829 he planted an area of upwards of 15,000 statute acres, about two-thirds of which were planted with larch alone, besides several thousand acres mixed with other trees. He is supposed to have planted about thirty millions of trees.

Grigor says that the Atholl trees "formed the great source from which sprang all the finest larch plantations to be found throughout Scotland during the end of the last and early part of the present (19th) century."²

¹ This is a mistake arising from the inaccuracy of local information regarding names, especially Christian names. The daughter's name was HELEN, not *Blan*, and her husband's, JAMES, not Isaac—see p. 392.

² "The last paragraph above may perhaps be somewhat exaggerated except so far as regards Perthshire: e.g. it is known that the larch trees at Paradise, Monymusk, in Aberdeenshire, were planted in 1741, and that there are, or were, very old specimens at other mansion-houses in the same county." J. F., 22/1/01.

The above Account with note has been kindly supplied by Sir John Farquharson, K.C.B., of Corrachree.—Ed.

See also Marlee—O.S. Acct., Vol. xvij., p. 475.

COURT OF BARONY.

1782.

"Act of the court of the Barony of Invercauld held at Inver of Aberarder, on 13th May 1747, by Finla Farquharson, of Rochalie, baillie, finding that Francis Farquharson, apparent heir to the lands of Monaltie, having been convicted of high treason, had lost his right to said lands, and that John Farquharson of Invercauld, as superior thereof, was now entitled to possession of them."

WITHDRAWAL OF THE INTERDICT AGAINST THE WEARING
OF THE HIGHLAND DRESS.

A paper in Gaelic has the following contemporary translation:—

"Hearken, Highlandmen! This is to make known to all the Highland clans that the King and the Parliament of Britian have put an end for ever to the Act against the Highland dress, handed down to the people from the beginning of the world to the year 1746. This cannot but give great pleasure to every Highland heart, as ye are no longer bound to the womanly dress of the Lowlanders. This is to publish to every man, young and old, high and low, that they may, after this, (for the future) put on and wear trues, philibeg, short coats, and hose, and belted plaid, without fear of the laws of the kingdom and notic of enemies."¹

"GENEALOGICAL NOTES of the family of Invercauld and others of the name of Farquharson, in a hand of the early part of last (18th) century. Copy, proposals by Lieut. General Blakney, commanding his Majesty's forces in North Britian to the gentlemen of the County of Aberdeen for stationing men in various districts for protecting the country and preventing devastations from the Highlands, dated, Aberdeen, 15 Oct. 1747."

I THE DISARMING ACT OF 1747.—In an interesting article in the September number of the "Pall Mall Magazine," the Rev. A. H. Malan observes:—"In the year 1747 came the Disarming Act, connected with which, it may be remembered, was this cheerful oath:—"I . . . do swear I have not nor shall have in my possession any gun, sword, pistol, or arm whatsoever, and never use tartan, plaid, or any part of the Highland garb; and if I do, may I be cursed in my undertakings, may I never see my wife and children or relatives; may I be killed in battle as a coward, and lie without Christian burial in a strange land, far from the graves of my kindred." This inexorable and execrable Act was quickly repealed; but the spirit of the Highlanders was curbed, and the time soon came when a strolling piper might strike up "The Highland Laddie," or skirl away at "The Campbells are Coming," without any of his listeners wanting to draw dirk on one another, or even himself running risk of a broken head,

In a file of *The Caledonian Mercury*—from 9th to 23rd May, 1745—containing very full details of the battle of “Fountenoy” (Fontenoy) the following paragraphs, marked on the margin, seem to indicate the interest of the Invercauld family in their contents:—

“WYE’S LETTER, LONDON, MAY 6.”

“Tis wrote from Brussels, That Tuesday last at six in the Morning the allied Army attacked the French in their Lines before Tournay ; That the Battle lasted 12 hours ; and that vast numbers were killed on both sides, but had not yet heard particulars. The French Duke de Garmont was killed—We are sorry to give you particulars ; but ’tis said, That near 20,000 Men, mostly British were killed ; That the Scots Greys and the Regiment of Blues were sadly mauled ; That the Lord Crawford, the Earl of Albemarle and his son, with many other Persons of Distinction were killed ; That Lord Bury, General Campbell and General Ligonier are wounded ; That Ponsonby had a Leg shot off ; That his Royal Highness the Duke had a horse shot under him. ’Tis said the French were superior in number by 20,000 Men, and had the advantage of the ground.”

“EXTRACT OF LETTERS FROM LONDON.”

“Letters that came over by the Express advise that the French King arrived in the Camp before the Battle with 14,000 Men mostly Horse ; That our Army marched through a narrow Pass to attack the Enemy, who were entrenched to the Teeth ; That our Highland Regiment [the 42d.] gave the first Onset, and after a brisk Fire drove the Enemy out of their trenches Sword in Hand, and cut off a Regiment of Irish ; till being overpowered by Numbers and receiving a Flank Fire, they retired but in good Order ; yet rallied and drove the Enemy a second Time before them. The Praises of that Regiment is sounded all over the Camp, so that the common Highlanders are caressed by his Royal Highness (Duke of Cumberland) and all the Generals.

He ill requitted this by his cruelty to the defenceless Highlanders after Culloden.

“We hear that the Right Hon. the Earl of Loudon will be appointed Colonel of a second Regiment of Highlanders intended to be raised. And that the Highland Regiment now in Flanders will be declared Royal.”

This is the regiment in which young Invercauld served as Lieutenant and his brother-in-law, the McIntosh, as Captain. They were not, however, with the regiment in Flanders.

Another paragraph shows the “Baron Ban” in the character of a man of business ;—

"By Order of Francis Farquharson, Arbiter, appointed by the Creditors of Partick Manderston and Robert Bull, Merchants in Edinburgh.

"The said Creditors are hereby desired to give in the Vouchers, &c., with certification that the Arbiter will then proceed to finish the Ranking without any Regard to the Depts whose Vouchers shall not be produced."

This advertisement is twice repeated; and shows the trust reposed in Young Monaltrie, who about this time acted as factor for his uncle of Invercauld.

"We hear that one of the Highlanders belonging to Lord Semple's Regiment killed seventeen Frenchmen in the late Action near Tournay."

This beats the achievement of John Mor Macgilvra, major of the McIntoshes, who is credited with having only despatched a dozen Englishmen with his broad sword in the battle of Culloden, and of whom the Duke of Cumberland is reported to have said, "I would have given a great sum of money to have saved that man's life."

THE EARL OF STRATHMORE TO INVERCAULD.

"Sir,

I find you have corresponded wt. my nephew El. of Aboyne who is yet a pupill, and now I should take it as a particular favour if you will delay any purpose of that kind agt. him untill he shall change his gardians, and I will then do all I can to get your affair reasonably adjusted and satisfyd. you. Your forbearance in this will exceedingly oblige,

Sir,

Your assured humble

Servant

Strathmore.

Egrb.

13th October

1716." ¹

This was one of several troublesome matters Mr. Farquharson had to arrange immediately after his return from prison in England. Aboyne was a minor at the rising in 1715, as his son was in that of the '45.

¹ From this note it is evident that, though the meeting which resolved on the rising under Mar was held in Aboyne Castle, on 3rd September, 1715, the Lord of the manor, the Earl of Aboyne, being a minor, took no part in it or in the subsequent insurrection; neither did his son, for the same reason, take any part in the '45. The Strathmore, who was guardian to John, Earl of Aboyne, in 1715, was a keen Jacobite and fell at Sheriffruir. The writer of the note was his brother, Charles, fourth Earl of Strathmore, who also came to an untimely end.

WILLIAM MURRAY.

William Murray, a gentleman from Bay City, Mich., U.S.A., states that it is a tradition in his family that an ancestor lived in Braemar; that on the rising in 1715 he refused to join in the rebellion; and that by the orders of the Earl of Mar his house was burned, and he had to flee the country. Mr. Murray is a cousin of Dr. Murray, the Editor of the famous New English Dictionary. Mr. Murray gave me the information—15th June, 1900.

Invercauld might have suffered in like manner had he not joined.

The following papers and documents are here inserted as not strictly falling under any of the headings in the *Estate Papers*, or discovered too late for insertion in their proper places; while others, though not specially relating to family matters, have been thought to possess some general or private interest sufficient to warrant their being noticed. They are arranged as far as possible in alphabetical order.

"ACCOTT. The much honoured the Laird of Invercauld to George Forbes, Youngest.

Dec. 7th	To a lump sugar 10. 39 lb. @ 8d.	£15 12 0
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" 9th	To a loaf Candy brod 10. 35 @ 11d.	1 19 0
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	To 22 pints Porter @ 5	5 10 0
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	To 4 dozen Corks	— 4 0
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Decr. 31st 1741, Received the contents and all precedings by George Forbes, Youngest."

These accounts seem to have been kept with great strictness even to the smallest matters, *e.g.* :—

"Aberdeen March 26th 1741. Received of the Honble. John Farquharson of Invercauld Eighteen pounds Scotts money for the Caledonian Mercuray from the first of March seventeen hundred and fourty to the first of March seventeen hundred and fourty one, and Discharges the same and all precedings by Jean Simson."

ACCOUNTS AND DISCHARGES. These are a collection of discharged accounts, mostly for ministers' stipends and schoolmasters' salaries; but the parcel contains other discharged accounts from merchants in Aberdeen and elsewhere. Some of these are rather interesting. The following may serve as examples :—

- "ACCTT. The honourable John Farquharson of Invercauld Esqr.
 £ Sh. D.
 July, 1738. To 2 pd. fine Bohea tea at 8 sh.
 per pd. 0 6 0
 Abd. Jany. 5th 1739, recd. the above acctt. and discharges
 the same and all preceding
 by Eliza Forbes."
- "ACCTT. April 22, 1740. The Right honourable Laird of Envercall to
 James Meason for 8 new shous to the horses at
 6 sh. per shou £2 8 0
 for a new plasher of the shaise 0 2 0
 for a new key and bridge to the straw house 0 7 0
 £2 17 0
 Received payment of the above accott and all precedings and discharges
 the same by me James Measson."
- "The Much Honoured the Laird of Invercauld with James Dyce, Junr.
 To 18 yards Holand @ 40 pence £3 0 0
 To 18 Elles Linen @ 18 pence 1 7 0
 £4 7
 Aberdeen January the 17th 1740—Received payment of the above
 acompt and discharges the same and all preceding this deat
 by James Dyce, Junr."
- "ACCTS. Dr. The Much Honoured Laird of Invercauld To George
 Mouat, Senr.
 1739, May 22d. To 8 pices fine Broad Iron neting 8 st.
 1 lb. 5 ozs. @ 30 sh. per stone £12 2 6
 To 12 pecks Salt @ 7/6 per pk. 4 10 0
 May 25th To 1 stone fine Barlie 1 8 0
 June 2nd to 1 Lam Black Barrell 0 1 6
 Abd. 2nd June 1739. £18 2 0
 Received payment of the above account and discharges the same and all
 preceding by Geo. Mouatt, Junr."
- "ASHENTULLY. Division among the Creditors of Mr. Robert McIntosh
 of Ashentully, Advocate, at Martinmas 1780."
- "AUCHLOSSEN. Charter by Francis Ross in favour of Barbara Farquhar-
 son, dau. of Robert of Invercauld, in life rent of Tambeddie
 and others (in Lumphanan)." N.D.C. 1650.
 B. F. was daughter of Robert II. of Invercauld.

- "BALLINGARY and Mill of Invercauld—Sasine of Tiends of, to Hendry Wardlaw. Date 1796."
- "BALGRENIE—Confirmation of Charter under the Great Seal to Robert Forbes of certain obligations affecting Lands of, and others. Date 1693."
- "BELHAVEN. My Lord Belhaven's memorable and Prophetic Speech against the UNION. In the year 1706." Printed and in M.S.
- "BOLLINGBROOK. A Copy of My Lord B.'s letter to My Lord L. Dover 27th March 1715." In M.S.
- "BRACO, LORD. Registered Charter of William, Lord Braco, in favour of Donald McKenzie of Dalmore of the Lands of Culsh (Culsh) Date 1767."
- "CAMBUSNAKIST. Precept of Clare Constat of Charter of Lands." N.D.C. 1635.
- "CAMERON, Dr. Archibald. Copy of what Dr. A. C. intended to have delivered to the Sheriff of Middlesex at the Place of Execution, but which he left in the hands of his wife for that End. June 6th 1753."
- "CHARLES EDWARD, PRINCE. An Authentic Account of the conduct of the young Chevalier—1749." In the form of a letter from a gentleman in Paris to friends in England—contains 68 pages 8vo of printed matter.
- "CLANS. An Account of the Highland clans laid before Louis XIV. by the Scottish Jacobites." (See Brown's Hisc., Vol. II. pp. 427-8).
- "COLDRACH. Gen. Petornatus: Witness of relationship of James Farquharson of. Date 1752."
- "COINACH. Extract Submission about Muir of Coinach, or Quinach, and Marches Between Finzean, Mrs. Farquharson of Invercauld and Mrs. Dr. Forbes of Blelack: And Decreet Arbitral by Wm. Simpson Advocate in Aberdeen. 1839."
- "CRATHIE. Charter of Lands of. Date 1633." (Illegible).
- "CRABSTONE. Estate of. Parcel containing Regd. Decreet Arbitral, Betwixt John Farquharson and James Moir and others, with other papers relative to Crabstone 1703."

"DALMOUNZIE. Decreet of Court (printed) for the sequestered estate of, 1782. Purchased by Invercauld."

"DALDOWNIE. Sasine of a Mill thereof to James Shaw. Date 1713."

"DALKEITH Aprile 25th 1738. Received from the Laird of Invercauld eleven pounds sterling, and that for two quarters of a Year's bed, board, washing, and teaching his son, Mr. Farquharson at five pounds and 8 sh. per Quarter, Viz.: from the fifteenth of March last to the fifteenth of September next to come, of which and of all precedings I grant this discharge. Witness my hand, day and place above. John Leslie."

"DECLARATION of James the 3rd King of England, Scotland and Ireland 10th of Septr. and the 21st year of our Reign." Dated from Lucca. MS. written on 3 pages of foolscap.

"DECLARATION by James the 8th—date 23rd Decr. 1743."

DECLARATION by Charles P. R. "Given at Paris the 16th May, 1745. (Signed) C. P. R."

"DISARMING. An Act for the more effectual disarming the Highlands in Scotland and for more effectually securing the peace of the said Highlands: and for restraining the use of the Highland Dress. Anno Regni, Georgii II., Regis Decimo Nono." Printed in Saxon characters.

DUNWICK. Sasine of Barony of. Date 1740.

DRUMLOCHY (Glenshee). Disposition of to Mr. Alex. Mackenzie by George Ramsey. Date 1725.

DREPINGARTH. Sasine to Agnes Gordon. Date 1681.

"FARQUHARSON ALEX. Precept Alexander Farquharson of Monaltrie agt. the Tenants of Crathie. 1737."

"FORBES LADY, of Pitsligo. Commission of Bailliary to Thomas Ramsey over the Lands of Melgund—with seal. Date 1566." •

"FRIBOURG. Genuine copy of letters from the French Ambassador and Mr. Burnaby, the English Resident in Switzerland, to the Laudable Canton of Fribourg, relating to the Pretender's son's intention of taking Refuge there," &c.

"Translated from the French."

GORDON GEORGE. Sasine of Barony of Smiddieburn to John Gordon of the Lands thereof. Date 1617.

GLENDERSTON. Charter by Charles Earl of Mar of these Lands to Alexander Farquharson of Invercauld. Date 1673.

GLENTATNICK. Sasine to George Ramsey of certain servitudes in Glenshee. Date 1724.

INNERTHELMOIR. Sasine of, in favour of Margaret Farquharson and John Grant for life-rent. Date 1663.

DO. Charter by John Grant of Carron in favour of his wife, Margaret Farquharson, of Lands of. Date 1663.

KINLOCH AND LETHENDY. A parcel relating to proceedings before the Court of Teinds for the Union of the Parishes of Lethendy and Kinloch, 1758-1775.

LETTERS from various persons much effaced, dating from 1681 to 1708.

LETHENDY in Fifeshire. Sasine of. Dated 1533.

"MEMORIAL. Concerning the Highlands of Scotland and the Borders of South and North Britain. October 1746."
Contains 44 pages of closely-written foolscap.

MIGVIE (Easter). Sasine of, in Latin. Date 1736. Resignation of, in English. Date 1747.

"ODE. Composed in the year MDCCXX. on the Birth of a great Prince."
(Prince Charles Edward was born 31st Dec. 1720.)

"ODE. 'The Birth-day,' on Prince C. Edward."
Another of the same.

OVERHALL. Papers relating to, also correspondence with Invercauld, 1722-1739.

PANNANICH. There is also, too much effaced through perusal to admit of being copied, a tribute to Monaltrie's worth, supposed to be the production of Mr. Alexander Ross, Schoolmaster of Lochlee, the well-known author of "Helenore, or The Fortunate Shepherdess," whose eldest daughter, Helen, had married Mr. George Thomson, Schoolmaster of Glenmuick, with whom the aged poet was in the way of spending his autumn holidays and frequenting the Pannanich Springs during his sojourns. It would have been interesting, had it been possible, to restore this fragment from so competent an author.

- "PARCEL NO. I. CRAIGMYLE, BRAICKLY, and GRODDIE. Containing Pleadings at Law in cases of Liability for dues, Rights of Superiority, and other privileges relating to these properties, 1693-1708."
- PARCEL NO. II. Contains Bonds, Captions, Conveyances, Inhibitions, Assignations, Discharges, Retrocessions, Rent-rolls, &c., ranging from 1681 to 1738.
- PARCEL NO. III. Contains legal documents similar to those in No. I. but regarding other persons and properties, ranging from 1632 to 1701.
- PARCEL NO. IV. Contains documents pertaining to the property of Melgum prior to the purchase by Invercauld, 1584 to 1694, also subsequent litigation to 1706.
- PARCEL NO. V. Contains old decayed papers regarding legal processes—Horning, Pounding &c. Dating 1678 to 1694.
- PARCEL NO. VI. Contains papers relating to Estate matters in the parish of Kirkmichael, Glenshee. C. 1700.
- PARCEL NO. VII. Contains discharges, Precepts of Clare-Constat, Sasines and other papers mostly relating to the CROMAR PROPERTIES, dating from 1681 to 1715.
- PARCEL NO. VIII. Contains scroll copies of old Deeds dating from 1632 to 1681.
- PARCEL NO. IX. Contains papers relating to Augmentation of *Minister's Stipend* in CRATHIE AND BRAEMAR. 1807-1814.
- PARCEL NO. X. Contains the papers relative to the purchase of the properties of COLDRACH and CAMBUSNAKIST by James Farquharson of Invercauld. 1769.
- PARCEL NO. XI. Contains papers relative to the Lands of Pitlyne and Pittentaggart, dating from 1682 to 1696.
- PARCEL NO. XII. "Contains old papers relative to the Lands of MELGUM, KINALDIE, BRAICKLY and others." 1681-1710.
- PARCEL NO. XIII. Contains "INVENTORY and MEMORIAL upon the WRITS and *Title Deeds* of sundry parcels of Lands of the Estate of Invercauld, sent to the Agent for the Earl of Fife for the purpose of obtaining an entry thereto In favour of Mrs. Farquharson of Invercauld. April 1806."
- These documents relate to the Lands held in superiority

by the Earl of Fife, and were required by law in order to establish her title to succeed her father, who had died the preceding July; and the Earl's title to his dues as Superior.

PARCEL NO. XIV. Accounts, Obligations and Discharges from 1671 to 1703; with payments made to and by Donald Farquharson of Balfour in Birse.

PARCEL NO. XV. Documents relating to the Lands of Lawsie, given in security by John Gordon to John Farquharson of Invercauld for money lent, 1707.

PARCEL NO. XVI. Contains Bonds, Assignations, and Diligences respecting Lindsay of Dowhill, 1606.

PARCEL NO. XVII. DOWHILL, KINLOCH, and MARLEY WRITS. A large parcel, docketed, "Decreet of poinding the Ground, Jean and James Lindsay and others Agt. James Rolland and others 1697." These papers relate to legal proceedings that occurred before Invercauld's connection with any of these properties.

POETRY. "A Prophetick Vision," being a poem of 18 stanzas or sonnets of 14 lines each, in broad Scotch.—A Jacobite effusion in M.S.

POETRY. "Cato's Ghost," applied to the condition of Britain in 100 rhymed hexameters. Jacobitical. Same hand as "Prophetick Vision."

PROCEEDINGS AT LAW. Betwixt the Earl of Aboyne and Invercauld in regard to claims of Non-Entry, &c., 1690-1708. A considerable parcel, several papers in which have already been noticed; the others are technical and legal.

RINLOAN. Sasine of the Lands of, in favour of George Gillanders for life rent by Patrick Fleming of Auchintoul. Date, 1754.

RHINABROTH. Sasine of the lands of to Thomas Erskine. Date, 1633.

"REBELS. A genuine Account of the Lives, Behaviour, Confessions, and dying words of the eight Scotch Rebels, Sir John Wedderburn, Francis Farquharson, John Hamilton, James Bradshaw, Andrew Wood, Alexander Leith, Thomas Watson, and James Lindsay, who were executed on Friday the 28th November 1746, for High Treason at Kennington Common." (These speeches are wholly fictitious).

"ROCHAILLY. Extended statements of Accounts betwixt Anna Farquharson and finla Farquharson of Rochailly 1733."

SPALDING, John and Charles. Confirmation to, by Duke of Atholl, of their Lands. Date 1717.

TOMBRECK. Sasine to Alexander Gordon in life-rent and to Patrick Gordon in fee. Date 1639.

*TEINDS. Tack of one to thirty-six persons by Earl of Mar. Date 1632. Charter of same to Donald Farquharson and Isabella Small, his wife. Date 1632.

TOLDOW. Charter by Lord George Gordon to Robert Farquharson of Finzean. Date 1631.

TOLDOW (Glenmuick). Charter of, by Robert Farquharson of Finzean in favour of William Bellman. N.D.C. 1635.

TOMBRECK AND CRATHIE. Confirmation of Charter under the great seal by Charles II. to Alexander Farquharson of Invercauld of these Lands. Date 1677.

WARDHOUSE. WESTHALL and *others*. Legal documents referring to the purchase of these Estates with relative bonds, obligations and servitudes. Dates from 1694 to 1781.

WOODSTARK. Sasine of, in life-rent, to Anna Ogilvie (widow of Robert Farquharson III. of Invercauld). Date 1667.

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